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COVER: A swell doffs his hat to a non-seeing young lady on Van Ness Avenue, the social and business center of San Francisco after the earthquake and fire of 1906. This drawing by Maynard Dixon is one of the scores of illustrations by him published in *Sunset Magazine* during his 22-year affiliation with the monthly. The drawing is reproduced from a new book just published by the California Historical Society, *The Early Years of Sunset Magazine*, in honor of the magazine's 75th anniversary. For other samples from the ancestral *Sunset*, see frontispiece and pages 224-228. (Courtesy of Lane Magazine & Book Co.)

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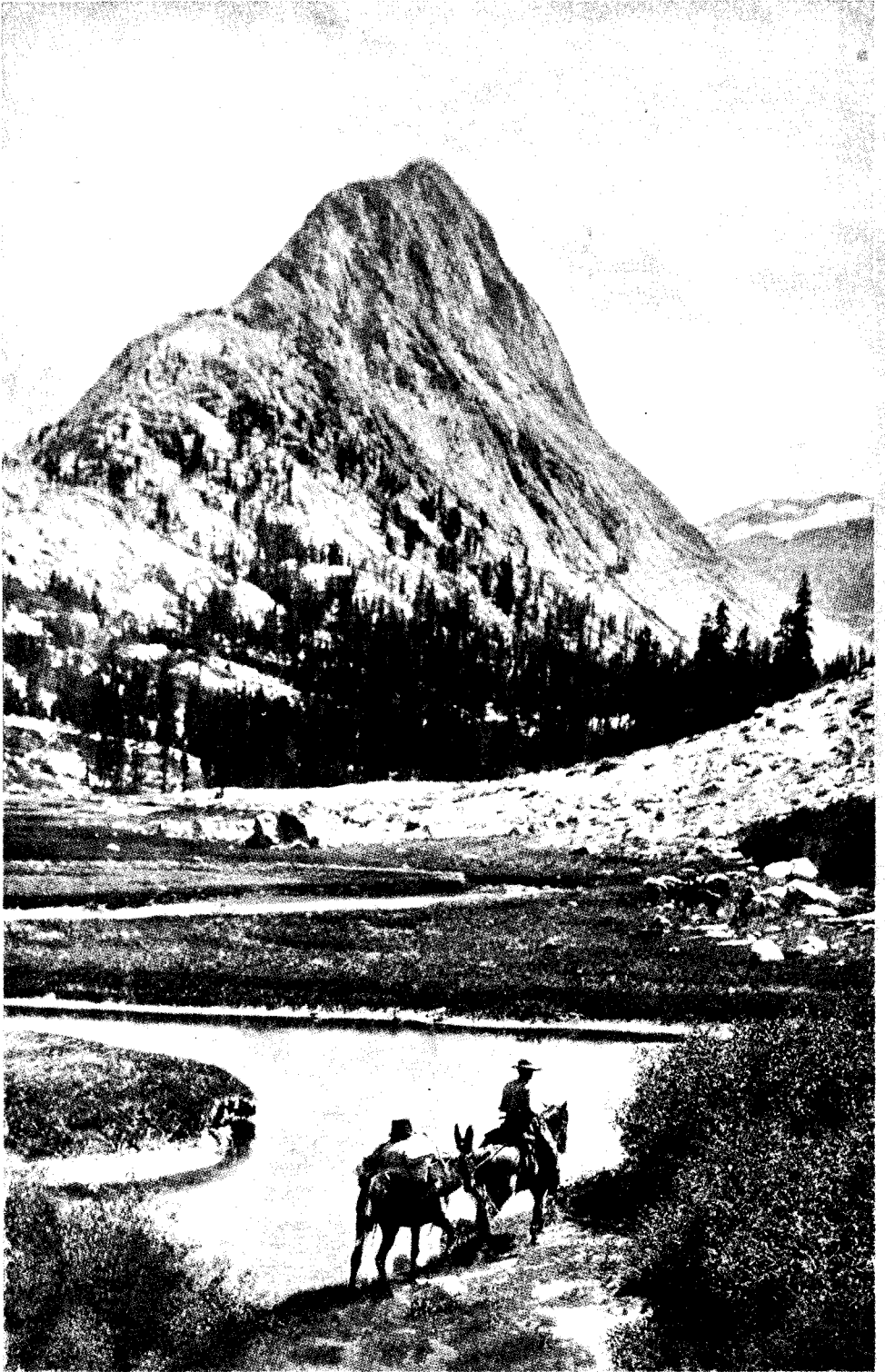
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PHOTOGRAPHED BY HOWARD C. TIBBITTS

IN THE SILENT PLACES

ABSOLUTE STILLNESS BROODS UPON THE FASTNESSES OF THE HIGH SIERRA. PERFECT CALM WRAPS ALIKE THE FACES OF PRECIPICE AND ROCK-HELD LAKE. THE BLUE DOME RESTS UPON MONOLITHIC PILLARS, HEWN BY TITANIC FORCES. INTO THIS VAST TEMPLE COME REFUGEES FROM THE TURMOIL OF HUMAN SOCIETY AND LO! THE PETTY CARE "THAT TIME AND PLACE HAVE KNOWN FALLS OFF AND LEAVES US GOD ALONE"

(From *Sunset Magazine*, June 1922. See also pages 224ff.)

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Bancroft Library

Houses mingled with small-craft skids and repair shops at the water's edge when this photo of South Beach between First and Second streets was taken in the 1860's. Marine Hospital (far right) became the Sailor's Home after 1876 and, by one account, a notorious "crimp joint." Eventually, the cove was filled and built up with warehouses and wharves.

San Francisco's South of Market District, 1850-1950; The Emergence of a Skid Row

ALVIN AVERBACH

*Graduate of Roosevelt University, Chicago,
who became interested in San Francisco history
after a local tenants and property owners' coalition
challenged the Yerba Buena project
in the South of Market district of San Francisco.*

HOMELESS MEN HAVE HABITED San Francisco's South of Market district since the earliest days of the city. While South of Market emerged as a predominantly single men's quarter only after the earthquake and fire of 1906, residential and transient hotels had previously grown up alongside the parish churches, union meeting halls, factories, and original homes of the wealthy. The evolution continued after 1906, as construction of saloons, second-hand stores, and missions surpassed that of churches, new immigrant populations replaced the old, and fewer families settled there.

The longevity and resiliency of the institutions which served South of Market inhabitants—increasingly marginal to the society around them and the regional economy which created them—is considerable. A century ago the area survived abandonment by the wealthy who moved out as the source of their wealth closed in around them. In 1906, several working class neighborhoods were destroyed along with almost everything else South of Market, but institutions sprang up again to meet the old, and new, residents' needs.

Soon, an apparently indefatigable force will physically level the heart of the area and destroy the remaining skid-row hotel society of retirees, casual workers, transients, alcoholics, and full-time workers. That force, the San Francisco Redevelopment Agency, represents the corporate enterprises and urban renewal bureaucrats whose convergent interests are the inspiration for the scheduled renewal project in which stores, a sports arena, a convention center, a parking garage, and other facilities will replace the dwellings and diversions of the old,

NOTE: This article was prepared as part of a research project sponsored by the National Housing and Economic Development Law Project, Earl Warren Legal Institute, University of California, Berkeley. The research on the history of the South of Market area will be incorporated into a book by Chester W. Hartman, *et al*, tentatively titled *Yerba Buena: A Study of Urban Genocide*.

largely single, male residents. Appropriately named Yerba Buena Center after the settlement wrested from Mexican Californians by American pioneers during the Mexican-American War, this dream of the developers is in a dubious long tradition of land-grabbing. The inhabitants of South of Market, justifiedly outraged at the renewal agency's heavy-handedness, are only the latest representatives of one type of worker who originally settled in that area of the city. As urban renewal threatens to progress through all of South of Market, the hotel dwellers will be among the last people to have lived there.

The proposed Yerba Buena Center, lying roughly between Second and Fifth, Market and Harrison streets, is only one portion of the South of Market area which extends from The Embarcadero southwest along Market to Tenth, Eleventh, or Twelfth streets, down Division to Channel Street, and back to The Embarcadero. In 1849 the entire area that lay South of Market was approximately one half this size, the remainder being a great swamp to the southwest of what became Third Street, penetrated by Mission Bay as far as Bryant Street (see map). The sandhills confined between these marshes and the shallow tide flats of Yerba Buena Cove on the northeast were characteristic of the entire city, which was "framed by marsh, steep hills, or sand dunes."¹ The commercial heart of the city grew up on the North of Market side of Yerba Buena Cove, where men debarked, goods were unloaded, and both were transhipped to the gold fields which were under intensive digging.

Along and back from the southern shore of the cove, between present-day First and Third, Mission and Folsom streets, lay Happy Valley.² In 1849, it was the tent portion of the "half city, half camp" and "green in contrast to the high sand hills separating it from the settlement around Montgomery Street."³ One to two thousand tents were pitched there. It was this embryo settlement that, by 1900, grew into the South of Market of today's outline.

Along with the area's tents were the factories which turned out tools and, later, mining machinery for the diggings. The first foundry was built at First and Mission, followed in the early 1850's by six others in the vicinity.⁴ In addition, in 1849 or 1850 one builder erected twenty-five "ready-built" houses on Mission between Second and Fourth, on Folsom near Second, and along the more narrow inner streets of Minna, Natoma, and Tehama.⁵ Some of these dwellings housed prosperous citizens, including William D. M. Howard, Samuel Brannan, and Captain Joseph L. Folsom, after whom major South of Market streets were named. In 1850, too, American soldiers drove squatters off of Rincon Point, at Harrison and Spear streets, clearing the 100-foot-high hill that overlooked Yerba Buena Cove, the bay, and Happy Valley.⁶

Extending from Folsom to Bryant, and Spear to Third streets, this prominence, known as Rincon Hill, became the site of the elegant homes of the most prosperous and influential men of property in San Francisco after 1852. On its southeast slope, between Second and Third, Brannan and Bryant streets, stood South Park, another exclusive residential district of large homes situated around a grassy and tree-lined oval which was enclosed by an iron railing and locked to all but area residents. The community was built far from the main section of town because the site was level and free of sand, while the distance insured South Park safety from the fires that ravaged the central city six times between 1849

and 1851.⁷ An additional advantage enjoyed by South Park, Rincon Hill, and all South of Market was the best, most fog-free weather in the city. By 1854, South of Market was connected to other areas in the city by an omnibus-stage-coach line along Third Street and by plank roads along Mission and Folsom streets.⁸

By one account, the move by the newly rich away from Happy Valley and the core of the city to South Park and Rincon Hill preceded the mushrooming of the foundry industry in the older section. By 1860, in any case, Happy Valley had become highly industrial, with the houses and shelters of its laborers growing up around it. Sandhills surrounding the valley had been levelled and carted off to fill Yerba Buena Cove in the early 1850's,⁹ and the last known squatters had been driven from the area in 1854.¹⁰ As industry spread toward dock facilities near the foot of Mission and Folsom, the area became known as "Tar Flat," after the gas works on Howard between First and Beale. This factory regularly disposed of its wastes in the tidewaters a block away, and the accumulated wastes formed a tarry surface at low tide.¹¹ Tar Flat's equally renowned landmark was the 200-foot-high Selby Shot Tower, a factory which stood at First and Howard from 1864 to 1904.

Soon, South Park's Second Street was a fashionable promenade, while First Street displayed the developing divisions of the area. As a writer for the *San Francisco Chronicle* observed, "Instead of milliners' and jewelers' and modistes' shops, First Street ran to sailors' boarding houses, German groceries, Irish saloons, gas works and boilerships from Market to Howard, after it had passed beyond the waterfront squatters' period."¹² The area around First and Folsom was "a transition zone with livery barns for the Rincon Hill dwellers interspersed with shops."¹³

During the 1850's and 1860's the rapid industrial and commercial development of San Francisco pushed both outward on the filled cove and inward on the Rincon Hill-South Park area to satisfy the demand for warehouse and industrial sites. Soon,

the same tide of increasing prosperity which made these homes so desirable, led to their undoing and final desertion. The trend of bus and commerce demanded more and more outspreading highways, and as early as 1863 there was talk of cutting Second Street through Rincon Hill. Slowly but swiftly the very same industries founded by these same prosperous homeowners and from which they drew their wealth, encroached upon their very doorstep.¹⁴

Rincon Hill—gradually surrounded by wharves, warehouses, lumber yards, factories, shipbuilding yards along Mission Bay, a wholesaling and light manufacturing district south of Howard Street,¹⁵ and by an increasingly working-class population filling in the flatlands—was itself sheared in two by the "Second Street Cut" of 1869. The cut was an immense task, taking over half a year to complete and leaving a steep ravine between Folsom and Bryant streets, with mansions "clinging precariously to the brink of the big chasm."¹⁶ Property values declined precipitously, and many of the well-to-do moved down hill, and up another, to Nob Hill, north of Market Street, which became accessible after the invention of the cable car in 1873. Gradually, they all left their former neighborhood.

The rich never returned to South of Market to live, as the area continued its rapid and mixed development. Henceforth, it was known as a working-class quarter. Jack London celebrated its changed character in his story "South of the Slot" (after the cable slot of the Market Street cars):

Old San Francisco . . . was divided by the Slot. . . North of the Slot were the theatres, hotels, and shopping district, the banks and the staid, respectable business houses. South of the Slot were the factories, slums, laundries, machine shops, boiler works, and the abodes of the working class.¹⁷

Several reports testify to the changing face of the area in the 1870's. Robert Louis Stevenson, a temporary resident of San Francisco, described Rincon Hill as "a new slum . . . already environed. The ranks of the street lamps threaded it unbroken. The city, upon all sides of it, was tightly packed, and growled with traffic."¹⁸ Another observer-resident for a time was Kate Douglas Wiggin, later famous as an author, who began directing the first free kindergarten South of Market in 1878. Viewing the area from Third Street at the foot of Rincon Hill, she wrote:

The scene is a long, busy street in San Francisco. Innumerable small shops lined it from north to south; horse cars, always crowded with passengers, hurried to and fro; narrow streets intersected the broader one, these built up with small dwellings, most of them rather neglected by their owners. In the middle distance were other narrow streets and alleys where taller houses stood, and the windows, fire-escapes, and balconies of these added great variety to the landscape, as the families housed there kept most of their effects on the outside during the long dry season.

Still farther away were the roofs, chimneys, and smokestacks of mammoth buildings—railway sheds, freight depots, powerhouses, and the like—with finally a glimpse of the docks and wharves and shipping.¹⁹

Symbolizing the changes in the area was Union Hall on Howard Street between Third and Fourth streets. The setting for a ball honoring the visiting Russian tsar's fleet in 1863 and other social events signalling the beginning of the San Francisco social season in the early 1870's, it housed mass meetings of the Workingmen's Party of California in 1879 and was converted to an inexpensive variety-amusement hall in 1885.²⁰ Author Wiggin designated the entire district as "Tar Flat"; the name Happy Valley seems to have gone out of use with the arrival and crowding-in of migrant and immigrant workingmen, many of the latter with families. Later, immigrant sons, predominantly Irish, would call themselves the South of Market Boys.

The decade of 1870-1880 saw an increase in the city's population from 150,000 to 235,000, and the South of Market district grew more congested as the city absorbed many German, Irish, and English immigrants.²¹ Working-class families filled the streets paralleling Market, and South of Market expanded into the less densely populated area beyond Tenth Street.

Accordingly, these same years marked a great increase in the hotel, lodging house, and boarding house populations. The *San Francisco City Directory's* "Progress of the City" report for 1879-1880 noted that Mission Street from Third to Ninth streets, as well as various other South of Market streets, had been built up with this kind of housing. Nearly one-third of the city's boarding houses, a

quarter of its hotels, and half of its 655 lodging houses were found there. The fact that a third of San Francisco's 250 listed restaurants were situated South of Market confirms the fact that, by 1880, the district had also become a home for a large number of single men.²² The city directory, however, was quick to reassure: "A stranger would think our people reversed the rule, and all boarded, and that 'keeping house' was the exception, but the far greater number of dwellings erected during the same period proves otherwise."²³

Single men had actually begun to quarter themselves South of Market as early as the 1860's; the rise in the number of these lodgings, however, only continued a "hotel tradition" that dated back to the gold rush, when winter rains and snows drove thousands of miners to the bay towns "where they filled every available shelter to overflowing."²⁴ Gold and silver miners still returned to pass the winter pursuing the "sinful" amusements of the city, joining sailors on leave and agricultural laborers in from the valleys.²⁵ As early as 1871 Henry George, then employed as a newspaper editor in San Francisco, described the migrant workers "disappearing" after the wheat harvest "into the flophouses of San Francisco—to come back next season like so many ragged crows." Another observer remarked in 1872 that among the multitude of "tramps" or "blanket men" that he met on the road were "runaway sailors," "reformed street thieves," "bankrupt German scene painters," and "old soldiers."²⁶

South of Market also emerged from the 1870's as a center of working-class movements and institutions. A severe drought in the winter of 1876-1877 reduced both agricultural production and hydraulic gold mining and added many unemployed men to the numbers who already had flocked to San Francisco seeking work or relief since the depression began in 1873. In anger against the thousands of Chinese laborers brought in by capitalists to depress wages and discourage unionization, an estimated 5000 unemployed gathered at the intersection of Fifth and Mission streets in July, 1877. The meeting issued an attack on Chinese restaurants, laundries, and places of employment throughout the city. This action proved to be a prelude to the rise of the anti-Chinese Workingmen's Party of California later that year and to its anti-Chinese, sometimes anti-capitalist program developed in the late 1870's. Acknowledging the district's distress in 1878 the city organized charity and relief on a wide scale for the first time in order to feed and shelter the unemployed.²⁷ During the period, too, the Youth Directory, a Catholic welfare institution, moved from North of Market to Howard Street between Tenth and Eleventh streets. Run by the Catholic church and staffed primarily with Irish officers, it served as a refuge for homeless, unemployed boys. While advertising free admission and use of its refectory, dormitory, lavatory, and reading room, the Directory also acted as an employment agency which procured jobs in both the city and rural areas. In 1881-82, it boasted of obtaining jobs on farms, in factories, stores, and shops for 5600 boys; thus, it appears to have been an early labor exchange for at least one sector of the transient or migratory working population.²⁸

Because San Francisco was the hub of a heavy coastwise shipping traffic, by the 1880's a separate sailors' quarter had grown up along the streets of The Embarcadero, the original "Tar Flat" now covered-over with made land. According to one local historian, the section was now a "much tougher world" Its

saloons and boarding houses served as one of the prime centers for “shanghaiing,” the kidnapping and incarceration of drugged, beaten, or drunken sailors to make up a ship’s crew. The Coast Seaman’s Union, founded on a Folsom Street wharf in 1885 and joined with the Steamshipman’s Union in 1891, fought, legally and illegally, for three decades to bring an end to shanghaiing in these “crimp joints.” The solidarity that made possible their extended struggle and victory was forged South of Market; the area between First Street and The Embarcadero was home “turf” for many seamen—where they lived and where they fought their on-shore waterfront battles in 1891 and 1902. (The combined Seaman’s Union of the Pacific headquartered until 1906 at Mission Street and The Embarcadero and returned to First and Harrison streets in 1950.²⁹)

Like the 1870’s the middle 1890’s again brought economic depression, the search for work and relief, and the venting of anger to South of Market. Some of the area’s unemployed undoubtedly participated in the labor agitation of this period. The year 1893, for instance, saw unemployed whites leave cities including San Francisco as “fruit tramps” (migratory agricultural workers in fruit crops) for the hinterland of California where they engaged in riots that drove thousands of Chinese workers from the fields.³⁰ That was the same year that Coxey’s Army, perhaps “the only mass expression of hobo labor consciousness,” marched and rode trains from California, Ohio, and other states, to Washington, D.C., to protest their conditions.³¹ One detachment, known as “Kelley’s Army,” moved out from San Francisco, their normal gathering point, using the same rails and roads for protest that they followed in their travels and pursuit of work.

At this time in San Francisco, however, only a scattering of informal institutions existed for the down-and-out. South of Market held nearly a quarter of the city’s pawnshops in the early 1890’s and more than a third by 1900, mostly along Third and Fourth streets.³² The Associated Charities’ one woodyard, on Main near Mission, allowed penniless men to chop wood at ten cents an hour in exchange for a meal, lodging, or a ferry boat ride across the bay.³³ By the end of the depression in the late 1890’s, the Salvation Army had located its “Institute”—a men’s shelter and food depot, woodyard, and free dispensary—at the corner of Howard and New Montgomery streets and deployed five of its ten corps South of Market.³⁴

In 1900, the census counted 62,000 people living in the area bounded by The Embarcadero, Eleventh, Market and Bryant streets, by far the densest portion South of Market. (The remainder of the area consisted of factories, warehouses, docks, and freight yards, much as Wiggin had described it in 1878.) Population was fairly evenly distributed, representing just over one-sixth of the city’s population.³⁵ Judged by its churches, inhabitants were heavily Irish Catholic and German Protestant. St. Patrick’s on Mission Street between Third and Fourth streets was the biggest of the area’s four Catholic churches, reputedly having the largest parish west of Chicago. In addition five German Protestant congregations, four Swedish, two Japanese, one Jewish, one Greek, and several others of no specific nationality held services.³⁷

A recent demographic study has shown that South of Market, up to Seventh Street, had become more working class in character by 1900, with the larger portion of both the Irish and German populations in the categories of skilled and

unskilled workers.³⁸ More interesting, in light of the seasonal and business cyclical movements of the unemployed, is the great mobility of South of Market residents between 1870 and 1900. In none of the five-year periods measured (1871-1876, 1880-1885, and 1890-1895) did more than 21 per cent of South of Market residents stay at the same address. In each period 40-45 per cent moved elsewhere in the city, or sometimes in the same area, while 40 per cent perennially left the city or died.³⁹ These figures suggest that moving about in search of jobs figured significantly in the residents' economic life and that it was an activity common to both the major immigrant groups and the class of hobo workers.

Certainly, traffic of the latter type was immense, as individuals moved back and forth between city and country, forest, and mine. Seasonal workers returned year after year to the same kind of industrial frontier work, though the location might vary; hoboes, known to labor economists as migratory casual workers, traveled in search of any jobs that might appear. Railroad companies calculated the size of this migration, including the annual springtime exodus and autumn return to the cities, to be half a million at any one time nationally. The same companies cited 24,000 trespassers killed and 25,000 injured between 1901 and 1905. The victims were largely "tramps and hoboes" who in "beating their way" had not managed to secure a hold on moving trains or had not eluded certain yard police.⁴⁰

Some facets of this worker-mobility between cities and between country and city correspond to what Nels Anderson, sociologist and former hobo, has called a "second frontier." Anderson argues that between 1880 and 1920 the rise of an immigrant-quarter population performing industrial jobs in the cities occurred simultaneously with the great increase in hobo workers building railroads and doing other kinds of non-urban work.⁴¹ If such is the case, San Francisco may have been unique in this "second frontier" period, in that South of Market housed both these populations in the same area before and after 1906. After the earthquake, however, the population of single men emerged predominant. In contrast, homeless men in Chicago, the subject of Anderson's early 1920's study, had been relegated to relatively segregated and isolated areas.

The 1906 earthquake and fire disrupted for only a short time the life of this particular community South of Market. The quake did its heaviest damage to the "made ground" over Yerba Buena Cove and the large swamps South of Market, and the fire consumed the many wooden structures South of Market before sweeping north across Market Street.⁴² Yet within three years the city had been largely rebuilt, and San Francisco's 1910 population of 416,000 was an increase of 74,000 over that of 1900. Rebuilding in South of Market kept pace with the rest of the city, but the area never attracted the numbers that had lived there before the disaster. The 62,000 of 1900 became 24,500 in 1910. This population, 80 per cent male, was also distributed differently along the "corridor" between Market and Bryant streets: 11,400 lived between The Embarcadero and Fourth Street, 5,500 between Fourth and Sixth streets, and 7,600 between Sixth and Eleventh streets. These areas were respectively 91 per cent, 75 per cent, and 67 per cent male, perhaps indicating that sea-related economic activities made the most immediate recovery after the holocaust. Families or single women who had chosen to move back or move in tended to settle nearer the Mis-

sion district, beyond Twelfth Street, exhibiting a pattern that has held since.⁴³ Many of the Irish, German, and other groups moved further into the Mission area and onto Potrero Hill, both contiguous with South of Market. This post-fire period also saw the continuation of the movement of resident workingmen and their families away from the central business and manufacturing area, only now into the Sunset and Richmond areas as they were opened in the 1910's and made accessible by public transportation. This movement of older immigrant groups continued at least through 1940.⁴⁴

Joining those Irish and Germans who returned to South of Market was a large Greek community that began to settle around Shipley, Clara, and Folsom streets between 1910 and 1920. It was composed at first largely of men who had worked their way across the country as railroad crews and, only later, was expanded with the arrival of relatives and families from other American cities and Greece. Once settled they frequently opened tea or coffee houses and inexpensive restaurants along Third and on Folsom, serving both the Greek and other single men's communities.⁴⁵ New Jewish immigrants opened pawn shops and new and second-hand clothing stores for the same clientele.⁴⁶ South Park became a mixed area of warehouses, machine shops, and flats housing a Japanese community. By the second decade of the century South of Market housed members of virtually every nationality.⁴⁷

Rebuilding since the destruction had been rapid, and it led to a great influx of skilled and unskilled laborers from all over the country. While there had been 20,000 workers in the seasonal building-trades industry before the earthquake, there were 60,000 after the event, building all year long and receiving large wages.⁴⁸ Similarly, coastwise shipping expanded tremendously as forests in Washington and California were cut down and shipped to San Francisco. Overnight the city became a frontier boom town again, drawing to the city those men who might otherwise have been working elsewhere along the "second frontier." Apartment houses and smaller dwellings reappeared along the narrow alley-streets of the larger blocks South of Market, while numerous hotels and lodging houses resumed their places, largely along the major arteries. In between all these establishments, small manufacturing, wholesaling, and warehousing concerns gradually arose again, creating a clear pattern of mixed land usage. Fifty-eight hotels and eighty lodging houses had been built by 1907 alone, the largest numbers being found along Third, Howard, and Folsom streets. Their greatest overall concentration was between First and Sixth, Market and Bryant streets, declining in each direction from there.⁴⁹

This was the locale of San Francisco's "hobohemia," a term used by Anderson to describe that area of American cities where, during the second frontier, hoboes and other workingmen gathered to live or spend time. Here grew up the hoboes' institutions: the hotels and lodging houses whose proprietors acted as bankers so that men spending their regular off-seasons in San Francisco had safekeeping for their money and would not spend it on a single spree;⁵⁰ saloons which fed their patrons smorgasbord "free lunches" for ten or fifteen cents and sometimes doubled as informal employment agencies;⁵¹ and pawnshops on Third, lower Market, and The Embarcadero where a hobo might put up a tool or some clothing to pay for food, drink, or shelter when he could not stretch his winter's

“stake” far enough. That this was a flourishing, if impoverished, culture is indicated by the vitality of other institutions: a dense supply network of fifty-one second-hand articles stores, twenty-one of which in 1920 could be found on the single block of Howard between Third and Fourth streets, and the bulk of the others spread along Third, Fourth, and Sixth streets; seven employment agencies in the same block offering mainly out-of-town jobs, with several others on Mission and Market;⁵² pool rooms and movie theaters; and barber colleges on Fourth between Mission and Howard streets and another nearby on Howard Street, where apprentice barbers could practice their trade on the men who, in turn, got free haircuts. In addition there were the missions, varying in number with the state of the economy and the seasons. The indefatigable Salvation Army’s Industrial and Social Department on Harrison between Fourth and Fifth streets was complemented by Volunteers of America, which established its own woodyard on Tenth Street in 1917. An Industrial Workers of the World (IWW) headquarters operated from various locations between 1912 and the mid-1920’s, but its members were often present on opposing street corners from the Salvation Army band, choir, and preachers, singing different words to the same tunes and offering an altogether different appeal.⁵³

Year in and year out this network of institutions supported South of Market’s homeless men: seasonal workers, hoboes, tramps, bums, and the home guard of casual laborers who worked regularly or irregularly at unskilled jobs only in the city. An early student of migratory labor, Carleton Parker, estimated from a sampling of hotels that some 40,000 men were “lying up in pseudo-hibernation” during the winter of the 1913-1914 depression. The same winter witnessed another Kelley’s Army form for a march to Washington, D.C., with a large number of its recruits temporarily living in tents at Fifth and Mission streets.⁵⁴

Occupations in the Market locale coincided roughly with geographical divisions: men with nautical occupations—whether migratory and seasonal such as seafaring and fishing, or local such as stevedoring or teamster work—concentrated between the east side of Third Street and the waterfront. Accordingly, separate seamen’s missions grew up there. Men in seasonal occupations such as logging and mining were more likely to be found between the west side of Third Street up through Sixth Street. This area held the densest population in the city until at least 1927.⁵⁵ Above Sixth Street hotel rooms were more expensive, and, accordingly, more white collar workers such as clerks were attracted to them. Furthermore, it was considered of higher status yet to live around the area bounded by Third, Fourth, Market and Mission streets, where a year-round job was required to pay for a room. Here, for example, was the Hotel Jessie, where reporters from the San Francisco *Examiner* roomed. In general, as one moved farther from the waterfront, each street was thought to be more attractive than the one before it.⁵⁶

After 1906, two main “stems” of activity grew and developed in South of Market and remained vital for the next fifty years. One ran up Third Street, and men gathered there from all over the city and beyond to gamble at poker or rummy, either occasionally or for big money.⁵⁷ Many saloons here had special gambling rooms and doubled as “bookie joints” (both were legal until 1938)

Farther away from Market Street were the Greek coffee houses where men could take in the nightly exotic performances of Greek women dancers.⁵⁸

Howard Street, between Third and Fourth, became South of Market's other activity "stem." Here, unlike Third Street, men spent more time out on the street, looking at the blackboards advertising work, drinking, and pitching pennies on the sidewalk.⁵⁹ Hoboes called it the "slave market," after the invidious practices of the employment agencies located along that block. It was not uncommon, for instance, for an agency to gather fees and send more men than were required to out-of-town work, or for an employer to pay a substantial fee to the agency which he recouped out of the worker's wages.⁶⁰ This small section of Howard Street became the core of skid row in the 1930's.

A primary function of all South of Market informal institutions—stores and saloons, missions, restaurants, and hotels—was the shelter and maintenance of an industrial reserve army whose "troops" could be mobilized for the different tasks of building the West. South of Market residents were among those employed in rebuilding the city after the earthquake. From 1910 to 1915 the area was a home for the men who were constructing longer stretches of highways and railroads than in any other state in the West.⁶¹ World War I attracted thousands of workers to the city to take part in war production efforts, especially shipbuilding,⁶² and increased manpower needs drained hoboemia of a major portion of its population.⁶³ Troops of the industrial army were called up, as it were, for active duty.

It is worth noting that this encampment in hotels and lodging and flop houses was not yet known as "skid row." Usage of the generic term was not current at this time, and, instead, every large city had its own name for the distinct "ecological" area to which homeless men resorted primarily in the main off-season, winter. The area between First and Sixth streets may have been dubbed the "Mission District" because of the increasing numbers of missions that appeared there after 1900. This name usually refers, however, to that portion of the city stretching southeast of South of Market, and it is taken from the original Spanish mission that stood there. South of Market may also have been the original site of the "Tenderloin"⁶⁴ (now found north of Market Street), named after the prostitutes patronized in this locale by both single men and others in the city.⁶⁵ In any case, it was Seattle's "Skid Road"—named for "the trail down which logs were skidded to the saw mill and along which the lumberjacks lived in a community of flop houses, saloons, gambling halls, and other institutions common to the lives of homeless men"⁶⁶—that eventually contributed its name to this homeless men's district and all the others. It should be emphasized that "Skid Road" described a community of one type of migratory working men, both at work in the camps and at leisure, voluntary or not, in the city. The later derogatory usage of "skid row" by the city's larger community to describe a hoboemia forced into decline by economic developments naively ignores the crucial role that the hobo work force had played in the economy as a whole.⁶⁷

It is not surprising, however, that denizens of hoboemia were unable to command respect from the larger community, even in the period between 1905 and the 1920's when many jobs were held by men following a hobo way of life. The face they presented to other segments of the urban population was not that

of a roving, exploited proletariat following seasonal work at sea or in the California and western hinterlands⁶⁸ and constantly forced to move in search of new, poorly-paid work. Rather, when the community at large encountered the single, unattached workers who made up the "homeless," hotel-residing population, they saw them between jobs as they tried to live on whatever money they had been able to make the previous season. The suburban commuters from the peninsula, for example, who hurried from the Southern Pacific Station at Townsend and Third streets down Third and Fourth streets—bypassing the cheaper restaurants to breakfast on the block nearest Market Street—were regularly panhandled.⁶⁹ White-collar commuters from the East Bay suburbs, arriving by ferry at the foot of Market Street, did not even have to pass through hobohemia until the late 1930's, when the completed Bay Bridge routed their cars and trains through the area. Certainly, it was difficult to see these panhandlers as anything other than loafers. As one student of homeless men put it:

Whether the skid rower was truly vagrant, or simply an unemployed migratory or casual laborer made little or no difference to the community at large; neither worked much while living on skid row, neither had family or resources, and both travelled a lot.⁷⁰

Similar observations were made by the many thousands of people who worked South of Market and lived elsewhere in the city and by those who passed through the area on railways that were running along nearly every street between 1910 and 1920.

Passers-through crossed an area populated primarily by men who were not only single, but poorer than themselves because of the intermittent nature of migratory work and of unskilled work in general. More importantly, the extraordinary exploitation to which migratory workers were subject determined the larger degree of their poverty. Besides the effective, often deceitful "combine" formed by employers and employment agencies, employers of migratory laborers, as one observer noted,

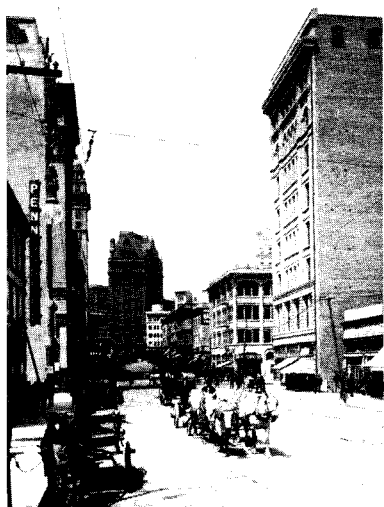
added the practice of levying excessive charges against his employees for food, shelter, clothing, and the breakage or even the use of tools and equipment. . . . Often the homeless man found himself faced with the necessity of working several months just to pay off his 'debts.' More unscrupulous operations might release a man at the end of five or six months' labor with scarcely enough left in his pocket to make his way back to the nearest city.⁷¹

In addition, poor wages and irregular migratory work made the formation of unions virtually impossible. Where achieved, usually by the Industrial Workers of the World (IWW), unions were impossible to maintain in the face of police power on the side of the employers⁷² and the constant fluctuation of the work force from job to job and country to city.⁷³ For their collective powerlessness—except on isolated occasions such as the Wheatland Hopfields Riot of August, 1913—hoboes substituted what Carleton Parker called the "strike-in-detail": hoboes would simply and frequently walk off the job. As elaborated by another observer: "If employers were going to exploit him, he would do as little work as possible. If a decent wage was to be denied the homeless man, he would seek other satisfactions. Pride or skill in one's work counted for little. Instead, one proved himself in drink, travel, and experience."⁷⁴



Bancroft Library

High-density housing along inner alley streets (above) characterized this area South of Market in 1866 (photo taken from Nucleus Hotel at Third and Market).



California Historical Society

In 1903, Third Street (above) was a bustling corridor which served the downtown business trade as well as the growing population of hotel dwellers.



Bancroft Library

In 1875, before the introduction of zoning laws, neatly kept middle-class homes on Rincon Hill (below) abutted the shanties, factories, and wharves of Tar Flat and the former Yerba Buena Cove.

Understandably, the hoboes' forced accommodation to their employment situation operated as a large factor in their vision of themselves as a community apart from the larger one to which they resorted yearly or between jobs. The semi-transient community South of Market was founded on blatant exploitation, and it understood its position as such. Hoboes gave the epithet "slave market" to the block of Howard Street where they were forced to pick up jobs if their money ran out. And, once a hobo had sold enough of his labor to an employer to get by for a time, he would take what was left of his wages and drift off to the city again. Often, that town was San Francisco, with its reputation as the cheapest town on the coast for casual workers, a reliable labor exchange, and a city lax in its morals.⁷⁵

While this industrial reserve army, observable in hobohemia between campaigns, was indispensable *en masse* to the work of exploiting the resources of the frontier and clearing the way for settlement in regions away from urban centers, its members individually counted for nothing. That is, the importance of seasonal work, the frequency of recession-born unemployment, and the constantly shifting demand for labor among different industries made a large casual work force indispensable for the growth of the West Coast economy; but, while a migratory worker might call his own strike-in-detail as one form of resistance to his exploitation, this action always meant a not-so-distant return to the never-drained labor pool. Strikes-in-detail did not have the force of a strike of numbers and, in fact, assured a kind of equalization, rotation, and continuation of the available exploitation.⁷⁶ In effect, the strike-in-detail may have been a prime means by which capitalist development in the second frontier period fostered, sustained, and relied on this industrial army: involuntary induction and voluntary discharge, sooner or later. This individualistic adaptation to migratory casual work allowed the combine of employers and agencies to stay in business—in numbers—at least through 1930 in South of Market, even though hobo workers attempted to avoid relying on the "slave market."⁷⁷ Similarly, the unskilled or lost-skilled urban factory worker, when not simply laid off, resorted to the strike-in-detail as a means of resisting debilitating and degrading conditions of work. Periodically, he, too, would slip into migratory casual work, thus sustaining the labor pool.⁷⁸

In California this apparently inexorable process of capitalist development used many men in the country while they were strong, but left them in the city when they became unfit. Exposure to the elements, the hazardous nature of mining, logging and construction work, lack of on-the-job medical attention, insufficient diet, and the very arduous labor demanded by most out-of-the-way jobs all determined that a high number of men would eventually find themselves incapacitated for these jobs. Other workers simply chose to devote themselves to casual, odd-jobs. Both "retirees" and stationary casual workers tended to settle in the urban district that they knew, where they could pursue part-time and irregular work as the situation demanded. These two groups made up the "home guard" of the army, considered of lesser status by the seasonal and hobo workers who regularly left the city for work. Unfortunately, the relative numbers of the different divisions of the hobo class and their location in hobohemia remain unknown for South of Market in the 1910's and 1920's. The use that

destitute hoboes over age fifty made of certain relief facilities in the mid-1920's, however, provides some indication of what became of that part of the hobo class in South of Market that could no longer compete for work outside the city.

A joint survey completed in 1928 by the Community Chest and some University of California researchers found that older migratories came to the Salvation Army Industrial and Social Home's woodyard on Harrison near Fifth Street and the Volunteers of America Community Kitchen on Tenth near Mission Street only as last resorts. Since there were no large-scale public relief programs until the 1930's and no form of pension program for migratory workers, one might have expected many men to turn regularly and thankfully to these institutions. But, it was discovered, old hoboes avoided them as long as possible, relying in part on their long-standing ability to stretch whatever money they earned and in part on their creditors in hotels, bars, eating places, and stores. These sources and a search for local work failing, half-sick, half-starved men would turn up at the woodyard in mid-winter in such numbers that they were allowed to chop wood in exchange for one night's bed and board only on alternate days. Community Kitchen also served a free dinner of bread, coffee, soup or stew, and beans.⁷⁹ According to a 1925 survey, although sick men claimed to receive poor attention from the hospitals, "the worst deterrent to efficient medical care is the fear of losing a place at the woodyard and being left to starve. Again and again the men report that they dare not take time off to visit a doctor."⁸⁰ Typically without family to care for them, unlike most of the dependent aged in the city, they nonetheless avoided exchanging this life for the "clean beds and sufficient meals of the Relief Home." Confirmed in their individualistic ways, migratory seasonal workers or general casual laborers evidently remained distrustful of the few organized institutions created from above to serve them, which threatened to create a relationship of permanent dependence.⁸¹ Finding a job meant independence from charity, a chance to sleep for a while in a cheap hotel or flophouse. One man in the survey cited as uncommonly fortunate found a semi-regular place washing dishes in a restaurant for his meals.

While noting that "general labor and rough domestic work (dishwashing and kitchen work) apparently represent the final stage of this group's industrial life," the authors of the University of California survey also remarked that "under a different economic organization of society, 86 per cent of these 100 men [interviewed] have potential earning power."⁸² Because the hectic capitalist development of the West made no provision for them when they prematurely became unable to perform their valuable, back-breaking, and unacknowledged services, these permanent casualties of the industrial reserve army—classified in contemporary economic terminology as part of the "residuum of industry"⁸³—were forced to return to the city and scrape along. Although their possible "earning power" was barely tapped, there was little need for them any longer in what remained of the market for hobo labor.

Anderson's study of the hobo work force reports a gradual decline in its numbers nationally between the end of World War I and through the Depression. He attributes this development to the increased mechanization of logging, mining, agriculture, and other industries.⁸⁴ Management policies also changed the picture. Beginning in the northwestern states after World War I, lumber com-

panies raised wages and improved housing, making their camps as inviting as possible to men with families, workers who would be less attracted to the "trouble making" IWW. In agriculture, family units with "flivvers" displaced migratory workers, and auto camps became a new feature of the California landscape.⁸⁵

Local evidence suggests, however, that hoboemia did not decline as rapidly in San Francisco as elsewhere. The number of employment agencies along the "slave market" remained constant through 1930. St. Patrick's Church built a Shelter for Men on Minna near Third Street in the late 1920's. It was complete with beds and washing and other domestic facilities and housed up to 200 men a night.⁸⁶ For a few years in the early 1930's, Canon Kip Community House on Second near Folsom Street arranged with a near-by hotel to provide rooms at a special rate to men not requiring hospitalization, but too ill to survive a poorly ventilated and cramped flophouse.⁸⁷

Through the 1920's and early 1930's the labor policies of city dock owners were operant in maintaining and taking advantage of the city's surplus of labor. Like hoboemia's Howard Street, The Embarcadero became known to longshoremen, bargemen, seamen, warehousemen, and teamsters, some of whom were residents of South of Market, as a "slave mart." Labor relations on the San Francisco waterfront were described by one member of the International Longshoremen's Association (ILA) as "not those of employer and employee, but of masters and slaves."⁸⁸ By this, the ILA meant that since the men had been unorganized after organized employers broke a seamen's and longshoremen's strike in 1919, they were thus subject to the exploitation similar to that of their migratory casual cousins, the hoboes. Uneven distribution of work, an oversupply of labor, and great competition for jobs made for low wages. Because employers were able to casualize labor, that is, open it to any comers, men were forced to stand around all day or move from dock to dock in the hope of obtaining a few hours' work by late afternoon. (On the other hand, shipowners complained that there was a constant turnover of their crews.⁸⁹ Seamen, confined to a ship for months at a time and without an effective union, also drifted off once ashore.) Despite the presence of such working conditions at the heart of the port city's economy, one labor writer claims most San Franciscans regarded these casualized workers as a "semi-underworld element," "misfits," and "failures."⁹⁰

While the waterfront workers may have shared community opprobrium with residents of hoboemia, in 1934 they were finally able to gain the sympathy of the larger community through their three-month strike, led by the ILA, against their combined employers. The struggle came to a head in July, when pitched battles and guerrilla skirmishes with police ranged for several days along The Embarcadero and other streets of the warehouse district adjoining it South of Market. While the first day became renowned as "Bloody Thursday," it was also known as the "Battle of Rincon Hill" for the thousands of on-lookers who watched from the hillside overlooking the warehouse district.⁹¹ Most of the city's work force joined in a three-day general strike protesting police tactics which had led to the killing of two longshoremen and the injuring of hundreds of others. Though a potent victory, it seems likely, however, that it was gained at the expense of some, if not many, of the unorganized laborers who also sought these

dock jobs, since many more men than usual were living in San Francisco as a result of the Depression.⁹²

Also thriving on San Francisco's concentration of the idled and impoverished during the Depression were the local missions. Their exact number is unknown, but in the 1930's they were located near the intersections of Third, Fourth, Howard, and Folsom streets.⁹³ The area must have seemed a veritable pit of the damned. Where else could a group dedicated to saving souls find—every winter—so many propertyless, unmarried, shiftless, most often jobless, and many times penniless men unattached to any particular denomination? While the mission people believed they could relieve the spiritual destitution suffered by the men who came to them, the men who visited the missions, especially in times of general distress, looked for sustenance in the form of food and coffee and possibly a floor on which to pass the night. The following report of a mission meeting on Third Street in December, 1935—attended by a field worker for the State Relief Administration (SRA) of California—illustrates the strained relationship:

I went in at 7:45 (p.m.) and found three men already waiting on the back row of seats. The house has a capacity of about 300. The pulpit and choir seats are on a platform at the south end. At the back of the room is an improvised service counter and along one side wall are oil-cloth covered shelves where men may stand and eat.

By 8 o'clock 46 men had gathered and when the services started at 8:25 there were over 100 present. Most of the two hour service was comprised of testimonials by the mission worker, sandwiched in between very snappy songs with the accompaniment of a piano, two banjos, two saxophones, and a clarinet. The leaders were all very young men and girls, who sang sacred songs to jazzy popular tunes. They maintained an atmosphere of optimism and joyful enthusiasm throughout the service. A short sermon was preached by a young, attractive woman who appeared to be between 20 and 25. There was no response to invitations to come to the altar.

By the end of the meeting there were about 250 men and boys present—the hungriest, dirtiest, most ragged looking group I ever beheld. They gave one the feeling that they were probably the dregs or residue which had been turned down by all the other agencies in the city. The stark hunger and dejection expressed on many faces shouted out a contrast to the young smiling faces on the stage.

With the resounding "Amen" of the benediction, a mad dash was made toward the corner of the room where the food line started. . . .⁹⁴

This captive audience evidenced hobohemia in its latter days, its color fading and many more of its inhabitants clearly destitute. Although they did not come to the mission as suppliants and remained unregenerate during the service, their disdain did not carry over to accepting food; they could not afford to be particular in their choice of benefactors. Such dependency was different from reliance on the "slave market," where one could possibly choose among job listings, walk off the job, or conceivably put away some savings from the work secured. In the 1930's, an ex-hobo or new transient had only the choice of moving on to another mission.

While certain Depression relief measures mitigated in confused fashion some of the more disastrous effects of capitalism, they also hastened the decline of hobohemia into a skid row, fixing the area as one for the most marginal members of the labor force. As in the depression of the mid-1890's, large numbers of job-

less men made their way to the cities. In the 1930's, however, federal and state-sponsored make-work programs initially allowed authorities to remove some of the newly transient population from the cities by setting up work camps to absorb them in the countryside. In California, however, these camps were being closed down at the same time that a new army of migratory workers entered the state, many by car, between 1933 and 1939.⁹⁵ Where there had been twenty-one camps in 1933, only two were left in mid-1936. The in-migration also had the effect of displacing even more professional fruit tramps, who helped harvest various fruit crops and whose numbers had been dwindling since the 1920's. Many of these migrant and camp men were forced to return to cities throughout the state, including San Francisco. In addition other unemployed men were turned out by the federally sponsored Transient Shelter and its subsidiary private agencies when federal funds were cut off in September, 1935.⁹⁶ Private and local agencies, especially the Salvation Army, were expected to take care temporarily of these new able-bodied charges, but evidently with scant state funds.⁹⁷

The SRA observer in San Francisco found these men in several places. The City and County Shelter put up an average of 300 homeless men, among them "clearly unemployable" locals, every night during December, 1935, and January, 1936. Others, not distinguishable as either local homeless or transients, relied on the missions at least for meals. At the one mission the SRA observer visited regularly in 1935, each night several new men would join the others, displaying the same tolerance towards their benefactors that he had recorded in the passage quoted above. While younger, newly uprooted men were shunted between country and city where they showed up in missions, local resident homeless men were given cheap meal tickets for restaurants around Third and Howard streets. Some were put up in places like the New York House on Howard between Third and Fourth streets, a flophouse with small cubicles for rooms (but not exceptional in that respect). In December, 1935, the SRA field worker discovered some fifty men in the hotel's reading room; sixteen elderly "unemployables," a few boys, and many men aged 45-50. Many of the fifty were living on SRA funds, and few were transients.⁹⁸

A further example of the prevailing confused relief policy that concentrated the most economically and socially marginal men in this area of the city is supplied by the SRA office located on Tenth between Harrison and Bryant streets. In the winter of 1935-36—with the local Transient Shelter closed, many work camps closing all other the state, and work being taken up by migrant families—it was the policy of the office to give no local care if a man was considered employable at a camp. Thus, many employable men were taken from the city (although many others did not show up for the trucks). Meanwhile, of the families who asked for relief (few relative to the numbers of single men), only half received assistance, and the rest were told to leave San Francisco. As to their fate, SRA reported that "it was not known what happened to the hundreds of . . . persons who were turned away."⁹⁹ Evidently, most families learned not to come to the cities to obtain relief or did not rely on it. The effect of these policies was to confirm one area of San Francisco for usage by single middle-aged and older men deemed unemployable. A skid row—a receiving and holding center for men continuously out of work and living near subsistence level in pool rooms, cheap

restaurants, flophouse-hotels, bars, winestores, on the sidewalks, and in the missions—had emerged. With only one private and one state employment agency remaining, the city's "slave market" had virtually disappeared. Some skid rowers expanded their begging business to Market Street.

In the same December the SRA observer beheld other scenes of the Depression bottoming out. One night on Howard between Fourth and Fifth streets, he found an estimated 1500 men, mostly middle aged or older and many drunk, on the sidewalks and in the restaurants, pool halls, and wineshops. Several were passed out on the street. A night later he took in the same scene: "mobs of men," many talking to themselves, moving about between Third and Fifth streets on Howard. He further reported that "mission workers, the police, and others who have had dealings with the homeless men in San Francisco for 30 or 40 years, stated that the amount of drunkenness was far greater than it had ever been before and seemed to be steadily increasing." They also observed that it seemed to be the "drinking of despair and misery," unlike the gaiety and occasional violence that had characterized drinking in previous years.¹⁰⁰

In contrast to the destitute South of Market residents were the hundreds of employable young men the SRA field worker discovered turning out at the ILA hiring hall at Clay Street and Embarcadero on the north side of Market Street. Most were in their early twenties, few were drunk, and all were evidently members of the ILA. The observer also emphasized that the laborers he saw on the South of Market side of The Embarcadero were playing craps or sitting on benches talking and laughing in, to him, an altogether healthier setting.¹⁰¹ The future must have seemed to be not only with the young, but with the organized.

What is striking about the scenes South of Market that this observer witnessed is their very visibility; they occurred either on the street or in quarters to which a transient like himself had easy access. While those scenes on skid row have an emblematic quality which reveals through the abject misery of the relatively few unattached men the immense demoralization experienced by millions of others who found themselves in a bread line, soup kitchen, or camp, or on a dole, they should not obscure the fact that other men in the same area managed to obtain some kind of work. Isolating the South of Market "corridor" again, the 1940 census showed that 43 per cent of the over-14 male population of 15,060 participated in the non-public emergency sector of the work force, while another 9.5 per cent were in various agencies of the public emergency sector (WPA, the National Youth Administration, and others).¹⁰² Nevertheless, 20 per cent were unemployed, while another 12 per cent were considered disabled. Still another 16.5 per cent fell under the categories of "not reported" and "other" (a term that in 1950 covered students, seasonal workers in an "off" season, the retired, disabled, and inmates of institutions).

In conjunction with the creation of a skid row, the depression introduced an irreversible decline of recreational facilities in South of Market. The five billiard parlors of 1940 were less than half the number of 1930 and a third of the number of 1920; by 1950 there were three, and, by 1960, only one was left.¹⁰³ Similarly, the coffee houses went into decline, and the bars and saloons did not openly handle either bookie or card gambling after the state gave localities the option to outlaw these activities in 1938. Prostitutes also appeared to have de-

served the area in this period, moving north of Market, west of the retail area.¹⁰⁴

Between 1940 and 1945, heavy unemployment no longer visibly characterized South of Market, as the huge work demands of World War II ushered an entirely new hotel population into the whole city. Tens of thousands of newly arrived ship-building workers commuted to the outlying cities of the metropolitan region, making San Francisco "something of a dormitory metropolis" during these years. Military personnel stationed either temporarily or longer were also put up in hotels.¹⁰⁵ What befell the men of skid row during this period is unknown: one analyst asserts that "the populations of skid rows throughout the country nearly disappeared."¹⁰⁶ Certainly, the greater number of the unemployed, described in the census as mostly experienced male workers, went into war production or into the armed forces. Locally, one clue is offered by the transformation of St. Patrick's (St. Vincent de Paul's) Shelter for Men into St. Vincent de Paul's Center for Servicemen.

The large influx of workers and military personnel might conceivably have revived South of Market's reputation as a quarter for carefree single men, but the large interim hotel population of these years does not seem to have left a lasting mark. After the war, as before, the relatively inexpensive hotel district still camped permanently between the central business district and financial district across Market Street, and the wharves, warehouses, and small manufacturing concerns that had been sprouting South of Market since the area was zoned for light manufacturing in 1921.¹⁰⁷ There were families, too, as there had been since 1907, but unattached men still predominated in 1950; two-thirds of the men in the corridor were either single (the largest category), widowed, or divorced. In the remaining area South of Market (between Third, Harrison, and Channel streets) which held the greatest percentage of families of the four census tracts, over 50 per cent of the men were unattached. In 1940, moreover, this area shared with South of Market as a whole similar rates of employment, unemployment, public and non-public work, and "not reported" statistics.¹⁰⁸

Wartime did bring about one obvious change that occurred elsewhere in the city and in all northern cities at that time: South of Market emerged in 1950 with almost nine times the black population it had held before the war, though blacks still constituted only about 10 per cent of the overall population of over 22,000. This recently arrived group was part of the great wartime migration of workers which followed upon the heels of the numbers of Chicanos who had begun to move into South of Market in the early 1930's.¹⁰⁹ Other than Chicanos, "Asians" alone of all the foreign-born population increased, and only slightly. During the 1950's, the southwestern half of South of Market served as a reception area for a Filipino population of seasonal migratory workers.¹¹⁰

The only other noteworthy change in demographic features was the increase among the elderly who came to live South of Market. While the group of men over 60 made up 28 per cent of the male population in the dense corridor in 1940, they represented 33 per cent in 1950. They were the only age bracket over 30 to grow in this period, while the number of men over 30 declined as a whole.¹¹¹ These figures suggest that the area enlarged its function as a retirement center not confined to former hoboes. The network of hotels and cheap restaurants that remained after the war serviced not only the low-income population still work-



At the foot of Rincon Hill (left), police and waterfront workers clashed on "Bloody Thursday" in July, 1934. Sympathizers involved in the three-day general strike protesting police tactics looked on from above.

San Francisco Public Library



When the Depression came to Howard Street (right), men who before had frequented the corridor between jobs found less work and spent more time on the street. Photo by Dorothea Lange.

Library of Congress



San Francisco Public Library



San Francisco Public Library

Skid row's retirees, winos, and other jobless men congregated on Howard Street in the 1950's (above) to take advantage of its cheap hotels and restaurants.

ing, but men living on fixed pensions or welfare, or both. There remained, in addition, the perennial advantages of South of Market: it was one of the sunniest and flattest areas in the city, making it pleasant and easy for elderly people to get around, and it was near the city's transportation hub, Market Street.

The advantage of having such an area to repair to became more important for single men as public housing policy excluded these men from its doors.¹¹² For men still working, moreover, South of Market offered perhaps one of the few places in the city where work and residence neighborhood could be joined, whether that meant work at the nearby *Chronicle* or *Examiner* offices and plant, on the docks, in factories, or in restaurants. In 1950, the male working population was almost equally divided among white collar, skilled, semi-skilled, and unskilled workers, with only "service" workers having half again the numbers of each of these categories. This work force nevertheless only accounted for 41 per cent of the male population over age 14. As in 1940, 20 per cent were unemployed, while a full 39 per cent (including seasonal workers, the retired and disabled, and inmates of institutions) were not considered as part of the labor force.

These last statistics point to the longevity of another characteristic of the area since the abandonment of Rincon Hill and South Park by the well-to-do. It remained an area of the poor and, with the desertion of the older immigrant groups by the end of World War II, of the politically powerless, as well. Three of the four census tracts showed population earnings less than half of the city's median income, while the other earned about two-thirds of it.¹¹³ The Irish and Greeks, known for their power in city hall, had dispersed into other districts, while the Jewish synagogues and German churches had departed long before in the 1920's. In their places, in 1951, stood six permanent missions between Third and Sixth,

OPPOSITE: By 1953 the link between country work and city living had nearly disappeared, and skid row had become a year-round home. Taking advantage of South of Market's sunny weather, men passed idle hours on the sidewalks of Howard Street

Mission and Howard streets, while half a dozen Protestant fundamentalist churches, presumably serving the black community, appeared in the 1950's along Third beyond Folsom Street.¹¹⁴ The "slave market" which had revived somewhat during the war to half the number of agencies that existed in the 1920's, disappeared in the 1950's, though there was still some street corner casual labor contracting.¹¹⁵ The heyday of South of Market as a center for the export of hobo labor throughout the West and the Pacific had come to an end. In turn, a decline of the second-hand clothing market set in; stores did not entirely disappear, but strung out mostly along Howard Street and Sixth Street. What remained of the second-hand goods market, eight locations on Howard between Third and Fourth streets in 1951, was obliterated in the late 1950's by a clearance operation for a privately financed urban renewal project.

Otherwise, the physical appearance of the area and the daily routines of its inhabitants remained relatively static through the 1950's and mid-1960's. Thousands of other San Franciscans and suburbanites came to work there; heavy traffic crawled and growled along the wide avenues and squeezed along the alley-sized streets. Faces changed in the transient hotels alongside the residential ones, and the missions and Salvation Army stayed on duty. On the whole, the proposed Yerba Buena Center's boundaries encompassed a rather sedentary community in comparison to its widely traveling earlier inhabitants. The rounds of drink, travel, and experience characterizing what, in retrospect, were boom times for the pre-Depression hobo, had shrunk now to the smaller circuits of the neighborhood, the hotel, the room. South of Market was no longer the setting of massive, visible economic distress, as it had been in the Depression, but the center of the less visible poverty of minorities, the retired, the disabled, and the outcast.

It remained, however, the setting for conflict. It was the residents' great misfortune, so it turned out, to live atop a gold mine. South of Market land offered enormous potential for profits to whomever could make the land available and the terms attractive enough for corporations to invest in building there.

A privately financed foray destroyed the core skid row area on Howard Street in the late 1950's, scattering some residents permanently and driving many liquor stores and winos to Sixth Street. Then, the proposed Yerba Buena Center culminated the Redevelopment Agency's grandiose plans for beginning to reshape the area with federal money and, not incidentally, to drive some 3,500 people out of its boundaries, like so many squatters. It was, in effect, a plan to evict a semi-stable population in favor of wealthier transient groups who could, perhaps, more greatly benefit the city's economy; suburban office workers, shoppers, sports fans, tourists, and conventioners all would use Yerba Buena Center facilities.

In the late 1960's proper usage of land was disputed between neighborhood and agency, and conflict centered around the question of where the hotel-dwellers would go. Not until many people had been driven out or evicted did it become clear that there was no low-rent area like it in the city. Then, older long-term residents of the area, suddenly realizing they would be summarily uprooted, formed the Tenants and Owners in Opposition to Redevelopment (TOOR). However belated its response, TOOR's strong community organizing

and adamant litigation efforts were partially successful. TOOR was able to obtain injunctions against a large number of evictions, and, in the spring of 1973, it forced the San Francisco Redevelopment Agency to agree to provide roughly 400 units of low-cost housing alongside the proposed urban renewal project and 1500 units in residential hotels elsewhere in the city. Had it not been for TOOR, hotel residents would have been forcibly dispersed to higher rent areas of the city. As it is, however, the larger part of the hotel society will disappear permanently from South of Market. What effects the Yerba Buena Center will have on the groups remaining have yet to be seen.

NOTES

1. 1853 U.S. Coast Survey Map #627; cited in James E. Vance, *Geography and Urban Evolution in the San Francisco Bay Area*, 1964, p. 19.
2. Marie Carlberg, "South of Market History," for the San Francisco Redevelopment Agency, April 9, 1952, pp. 3-4.
3. Albert Shumate, *A Visit to Rincon Hill and South Park*, i (San Francisco: Yerba Buena Chapter/E Clampus Vitus, 1963).
4. Carlberg, *op. cit.*, 3.
5. *Ibid.*
6. *Ibid.*, 3-4.
7. Mel Scott, *The San Francisco Bay Area: A Metropolis in Perspective*, 31 (Berkeley and Los Angeles: University of California Press, 1959).
8. Shumate, *op. cit.*, 3. The Mission area, more than a mile south of Third Street, was the site of various recreations including horseracing.
9. Margaret Goddard King, *The Growth of San Francisco, Illustrated by Shifts in the Density of Population*, M.A. thesis, University of California Berkeley, June, 1928, p. 49. King says Happy Valley was located between First and Second, Market and Mission streets.
10. Carlberg, *op. cit.*, 4.
11. San Francisco *Chronicle*, "Tar Flat," September 15, 1928.
12. *Ibid.*, October 9, 1928, quoted in Kay Martin, "Evolving Neighborhood: Rincon Hill and South Park, San Francisco," paper in urban geography, p. 3.
13. Martin, "Evolving Neighborhood," 3.
14. George Barron, *The South of Market Journal*, Vol. II, No. 5, December, 1926, p. 13, quoted in Martin, *op. cit.*, 3.
15. Vance, *op. cit.*, 21.
16. Shumate, *op. cit.*, 13-14.
17. Cited in Arthur Calder-Marshall, ed., *The Bodley Head Jack London*, 192-93 (London: The Bodley Head, 1963). London, a socialist, made the Slot into "the metaphor that expressed the class cleavage of society." But he was wrong about the hotels; many of the "abodes" South of Market were hotels or lodging houses. London himself was born near Third and Brannan streets in 1876, off South Park.
18. Robert Louis Stevenson and Lloyd Osbourne, *The Wrecker*, 160-61 (New York: Charles Scribner's Sons, 1911). Dr. Shumate, cited above, believes that the authors were describing Rincon Hill.
19. Kate Douglas Wiggin, *My Garden of Memory: An Autobiography*, (Cambridge: Riverside Press, 1923). This upper-middle class young woman found Tar Flat a "crowded, untidy, noisy, ugly," "smelly," "rude," "vulgar" neighborhood.
20. Shumate, *op. cit.*, 10, quoted in Martin, *op. cit.*, 4-5.
21. Scott, *op. cit.*, 62-63.
22. *San Francisco City Directory*, 1879-1880, pp. 943-945, 989, 1006-1009.
23. *Ibid.*, "Progress of the City," 26.
24. Scott, *op. cit.*, 26.

25. Shumate, *op. cit.*, 16. Listed under "Sinful Amusements" in the 1883 *History* of the Howard Methodist Church were "dancing, playing at games of chance, attending theatres, horse races, dancing parties."
26. Carey McWilliams, *Factories in the Field*, 26-27 (Boston: Little Brown and Co., 1939).
27. Lewis, *op. cit.*, 139-140. The Chinese had previously been driven from work in the gold mines in the 1850's, had built the first transcontinental railroad, and had been sporadically attacked by white workers for having been hired at wages that most white workers would not accept.
28. *City Directory*, 1882-1883, p. 96.
29. Felix Riesenbergh, Jr., *Golden Gate: The Story of San Francisco Harbor*, 218-23 (New York and London: Alfred Knopf, 1940).
30. Walton Bean, *California: An Interpretive History*, 293-94 (San Francisco: McGraw Hill, 1968).
31. Nels Anderson, *The Hobo, The Sociology of the Homeless Man*, xv (Chicago: University of Chicago Press, 1923, first Phoenix Edition, 1961).
32. *City Directory*, 1890, p. 1433; 1899-1900, p. 1902.
33. C. K. Jenness, *The Charities of San Francisco: A Directory, San Francisco, 1894*.
34. *City Directory*, 1899-1900, p. 55. A separate women's shelter was located nearby.
35. One fourth of the total population was found between The Embarcadero and Third Street, Third and Fifth streets, Fifth and Seventh streets, and Seventh and Eleventh streets, though blocks between Eighth and Eleventh, The Embarcadero and First Street, being one-half the size of the others. South of Market was a densely packed district as well.
36. Shumate, *op. cit.*, 17.
37. *City Directory*, 1892, pp. 65-68.
38. This demographic information was kindly supplied by Alan Emrich, doctoral student in comparative urban history from the University of Chicago. It is taken from his tables on German, Irish, and City Occupational Structure in 1900 and on mobility for the years 1871-1876, 1880-1885, and 1890-1895. Emrich shows that population up to Seventh Street, representing about 15 per cent of the city's 1900 population, made up about 23 per cent of its unskilled workers and over 17 per cent of its skilled workers. These workers comprised over two-thirds of the working population in that portion South of Market, whereas throughout the city these categories counted for 56.5 per cent of the population. The same area housed easily the highest concentration of Irish workers and the second highest ward population of German workers in the city. The percentage of workers/population for the area from The Embarcadero (waterfront) to Seventh Street rose from roughly 60 per cent in 1871, 1880, and 1890, to 70 per cent in 1900.
39. *Ibid.*
40. Figures quoted in Carleton H. Parker, *The Casual Laborer and Other Essays*, 121 (New York: Harcourt, Brace, and Howe, 1920). These figures seem excessive.
41. Anderson, *The Hobo*, xvii-xviii.
42. Lewis, *op. cit.*, 187.
43. *Thirteenth Census of the United States, Taken in the Year 1910: Volume II, Population 1910*, (Washington, D.C., 1913), p. 186. The exact boundaries of the area were: 1) The Embarcadero at Market-Market-Fourth-Folsom-Third-Bryant-The Embarcadero; 2) Fourth at Market-Market-Seventh-Mission-Sixth-Bryant-Third-Folsom-Fourth-Market; 3) Seventh at Market-Market-Tenth-Howard-Eleventh-Bryant-Sixth-Mission-Seventh-Market. The exact number of families was: 1) 751; 2) 694; 3) 1,448.
44. Lewis, *op. cit.*, 228, 257; Scott, *op. cit.*, 112.
45. Interview with George Maheras of the San Francisco Redevelopment Agency, a resident of South of Market between 1906 and 1946.
46. Interview with Eneas Kane, head of the San Francisco Housing Authority.
47. *Thirteenth Census*, *op. cit.*
48. Lewis, *op. cit.*, 201; conversation with Fred Meynerd of the Hotel Rock on Fourth Street who came to San Francisco in November, 1906, to work as a mechanic and plumber; "Room for More Workingmen in San Francisco," in *Modern San Francisco 1907-1908*, n.p. (San Francisco: Western Press Association, 1908). Income figures for reconstruction workers

were given as: \$76 million for skilled building trades workers, \$52 million for hod carriers, cleaners of debris, teamsters, and day laborers. This publication may have been published by the Chamber of Commerce.

49. *City Directory*, 1907, pp. 1868-1869, 1907. About two-thirds (93/138) were within this area.

50. State Relief Administration of California, *Transients in California* (1936).

51. Parker, *op. cit.*, 119, reports this double role of the saloon. Information about this continuation of the "free lunch" tradition came from interviews with several older residents of South of Market.

52. *City Directory*, 1920, pp. 1714, 1768, 1917.

53. Interview with George Hasslebeck, 86, lifelong Wobbly, migratory casual worker and recurrent resident of South of Market since the time of the earthquake, now a resident of the Knox Hotel on Third Street; information from Sanborn Insurance maps for 1913, corrected to 1929 (San Francisco Public Library), and 1918 (S.F. City Planning Commission).

54. Parker, *op. cit.*, 80, 83; McWilliams, *op. cit.*, 164. Parker says that his commission found the 40,000 lying up in the "foreign quarter" of the city. Although this might refer to a number of areas of the city, I am inferring that he meant South of Market; its flophouses, hotels, and missions were established institutions by 1913-1914, even if they were unable to handle the unusual number of migratory workers during that depression. Parker also calculated that of 180,000 migratory workers in the state, fully 100,000 would go without winter employment.

55. King, *op. cit.*, 154.

56. Interview with Eneas Kane; interview with Fred Meynerd. Mr. Kane often worked with his father on his Special Police beat that covered the area between Second and Fourth, Howard and Harrison streets, between 1924 and 1931. Meynerd has lived at the Hotel Rock permanently since 1932.

57. Interview with Mr. Desmond, 87, a resident of the Hotel Rock. He said the gambling made "Reno look like penny ante."

58. Kane, *op. cit.*

59. Meynerd, *op. cit.*

60. Interview with George Wolff, native San Franciscan and co-chairman of TOOR; Anderson, *The Hobo*, 248.

61. Parker, *op. cit.*, 69.

62. Lewis, *op. cit.*, 227; John Haskell Kemble, *San Francisco Bay: A Pictorial Maritime History*, 20, 60 (Cambridge, Md.: Cornell Maritime Press, 1957).

63. Samuel E. Wallace, *Skid Row as a Way of Life*, 20 (The Bedminster Press, 1965).

64. *Ibid.*, 18. Both names are given.

65. Conversations with Kane, Meynerd, and with John Kiley and Jimmy Connolly, residents of South of Market for fifty and forty-eight years, respectively.

66. Wallace, *op. cit.*, 18.

67. Nels Anderson, *Men on the Move*, 12-13, 38, 170 (Chicago: University of Chicago Press, 1940). Anderson writes in 1940 of Chicago, the "capital city" for migratory workers, that "one does well to find traces of the open-market town of 1922."

68. Parker, *op. cit.*, 74. Parker, while investigating for the state of California the relation between labor camps and the high turnover of migratory workers, rated only 34 per cent of the camps in good condition, while 36 per cent were fair and 30 per cent were bad. In regard to sanitation, for example, 29 per cent of the construction camps and 25 per cent of highway camps had no toilets whatsoever.

69. Kane, *op. cit.*

70. Wallace, *op. cit.*, 18-19.

71. *Ibid.*, 78-79.

72. *Ibid.*, 79.

73. Anderson, *Men On the Move*, 292. Anderson describes how membership multiplied in the IWW and hobo organizations in summer, the work season for most men, and diminished in winter. The IWW philosophy of direct action at the place of work accounted for some recruitment, while in winter there was too little work for such a method of organization. Nor

in winter did so many hoboes ride the rails, where having an IWW membership card was helpful in getting by yard guards.

74. Wallace, *op. cit.*, 80-81.

75. Towne Joseph Nylander, *The Casual Laborer of California*, M.A. thesis; University of California Berkeley, 1922, p. 17; State Relief Administration, *op. cit.*, 170; Mike Henry, "Where Do You Go from Here?" in *San Francisco Good Times*, 4:8-11 (July 9, 1971).

76. Parker, *op. cit.*, 78. "These figures [on the relatively short staying-on rate of casual workers on railroads] bear out the employment agency proverb that there are three crews of men connected with the job, one coming, one going, one on the job."

Hobohemia had its own social hierarchy. At the top were the seasonal workers, also known as "aristocrat hoboes," who followed only one occupation that occurred seasonally. At the bottom were bums, who stayed in one city and were able to make panhandling or begging their major means of subsistence. In between were hoboes, tramps, and the home guard. Anderson makes clear in *The Hobo* that there was a constant fluctuation among all these groups; a man might pass into any other category, but apparently usually moved downward.

77. Wallace, *op. cit.*, 81.

78. Parker, *op. cit.*, 17. According to Parker, in 1910, 3.5 million of 10 million unskilled workers "moved by discharge or quitting so regularly from one work town to another that they could be called migratory labor." He claims that such an unstable migratory existence was decisive in eroding typical family life and led to the deprivation of legal and social rights that characterized hobo life. Parker was also much concerned over the "neurosis" this life developed among men who perpetrated the "strikes-in-detail," acts which, he claimed, rendered the men permanently "maladjusted," rebellious, or violence-prone.

79. *The Dependent Aged in San Francisco*, University of California Publications in Economics, Vol. V, No. 1, pp. 73-74 (Berkeley: University of California Press, 1928). Interviews on which the report was based occurred in January-February, 1925. See Chapter 5, "The Homeless Old Man in San Francisco."

80. *Ibid.*, p. 76. This comment may indicate disapproval of the ex-hoboes' desire to avoid working, as much as of the economic system. The authors may have had in mind an economic system where "earning power," or labor power, was tapped more effectively. Nels Anderson in *The Hobo* had specific programmatic suggestions for state intervention into the community arrangements of the hobo labor network, changes that would upgrade living standards and make this sector of the work force healthier. He advocated, for example, compulsory medical check-ups and standards for hotel cleanliness.

81. *Ibid.*, 77.

82. *Ibid.*, 71-72.

83. Anderson, *The Hobo*, 263. In addition to the "home guard," the term also included hoboes, tramps, and bums.

84. Anderson, *Men On the Move*, 272.

85. Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World*, 447 (Chicago: Quadrangle Books, 1969); McWilliams, *op. cit.*, 197.

86. *The South of Market Journal*, Vol. 6, No. 1 (January, 1931), p. 10. The same evidence might indicate that the area quartered many more men than usual, overflowing hotels and flophouses, and that these men looked for local work or relief.

87. J. Henry Ohlhoff, "A Story of the Canon Kip Community House, Inc.," San Francisco, 1948, p. 10. A copy is in the files of the Canon Kip Community House at Eighth and Natoma streets in San Francisco.

88. Mike Quin, *The Big Strike*, 31 (Olema, California: Olema Publishing Company, 1949); quoted from *The Maritime Crisis*, a booklet of the San Francisco local of the ILA, 1936.

89. *Ibid.*, 31, 36. Crew turnovers appear to have been an intermediate measure—neither a strike of numbers nor strikes-in-detail—specifically adapted to seamen's working conditions and indicative that even the federal legislation of 1915 protecting seamen from being shanghaied did not substantially improve those conditions.

90. *Ibid.*, 29-30.

91. Riesenbergh, Jr., *op. cit.*, 323.

92. John N. Webb, *The Migratory-Casual Worker*, 11, 12 (Research Monograph 7 of the

Division of Social Research, WPA), (Washington, D.C., 1937); Kane, *op. cit.* Webb cites the following advantages that accrue to employers given a large surplus of workers: a) the wage rate is kept low; b) there is some selection of the working force; c) immediate replacements are available; d) surplus laborers serve as a check on the workers who organize to improve their conditions.

Kane's father, an organizer of a blacksmith and horseshoer's union, recalls that after unionization of longshore work, an unemployed man would go to a union hall to join the union and thereby find a job. He would be told by the union, however, to find a job first. Visiting an employer, he would be told hiring was no longer in his hands, and he would have to go back to the union, and so on.

Together, these sources suggest the conclusion that the unionization of longshore work excluded casual laborers from dock work.

93. State Relief Administration, *op. cit.*, 170, 187. To what extent the work camps were intended to forestall or defuse urban discontent is not clear.

94. *Ibid.*, 188.

95. McWilliams, *op. cit.*, 307-308. The best known group of the migration, the Dust Bowl refugees, made up about a third of it.

96. From an interview with Robert DeVelvis of the San Francisco City Planning Commission, who worked for the SRA in the 1930's. The shelter was located on The Embarcadero.

97. State Relief Administration, *op. cit.*, 3, 25, 34, 174. The City Emergency Relief Committee arranged with the Salvation Army and, temporarily, with the Volunteers of America in order to combine their privately raised funds with city funds to lease several hotels for the purpose of providing shelter for their combined permanent unemployables and transients.

98. *Ibid.*, 171, 175, 177, 186.

99. *Ibid.*, 175, 190; also table 21. In the period between December 16, 1935, and January 26, 1936, 15 agencies handled 10,332 applications for aid from men and boys, 217 from women and girls, and 154 from families.

100. *Ibid.*, 170-171.

101. *Ibid.*, 172-173. Both the SRA observer and Mike Quin display a pro-organized labor bias, instinctively or deliberately setting off the scene of union struggles or unionized work (primarily around The Embarcadero) from the rest of South of Market and skid row.

102. The "corridor" was slightly altered in 1940 due to a change in the census tracts. The boundaries of tract K-1 were Market, Third, and the bay, along with Treasure Island and Yerba Buena Island; of K-2, Third to Eleventh, Market to Howard; of K-3, Third to Eleventh, Howard to Harrison. In 1940 and 1950, K-1 included Yerba Buena and Treasure Islands.

103. *City Directory*, 1930, 1940, 1950.

104. Kane, *op. cit.*; Vance, *op. cit.*, 23.

105. Scott, *op. cit.*, 253.

106. Wallace, *op. cit.*, 22.

107. King, *op. cit.*, map 13b or 15b.

108. *Seventeenth Census of the United States, 1950: Census Tracts by Cities*; Vol. III, Chapter 49, pp. 2-6, 11, 31 (Washington, D.C., 1952).

109. Ohlhoff, *op. cit.*, 11.

110. From a short interview with Mrs. Balunset, reporter for a local Filipino paper.

111. Comparative figures from the *Sixteenth Census of the United States, 1940: Census Tracts by Cities*, Vol. IV, p. 14 (Washington, D.C., 1942); *Seventeenth Census, 1950, op. cit.* The population was divided into age gradings of ten years: 20-30, 30-40, etc.

112. E. M. Schaffran and Company, *Relocation Survey Report*, prepared for the San Francisco Redevelopment Agency, August, 1967, p. 10.

113. *Seventeenth Census, 1950, op. cit.*, 7, 11.

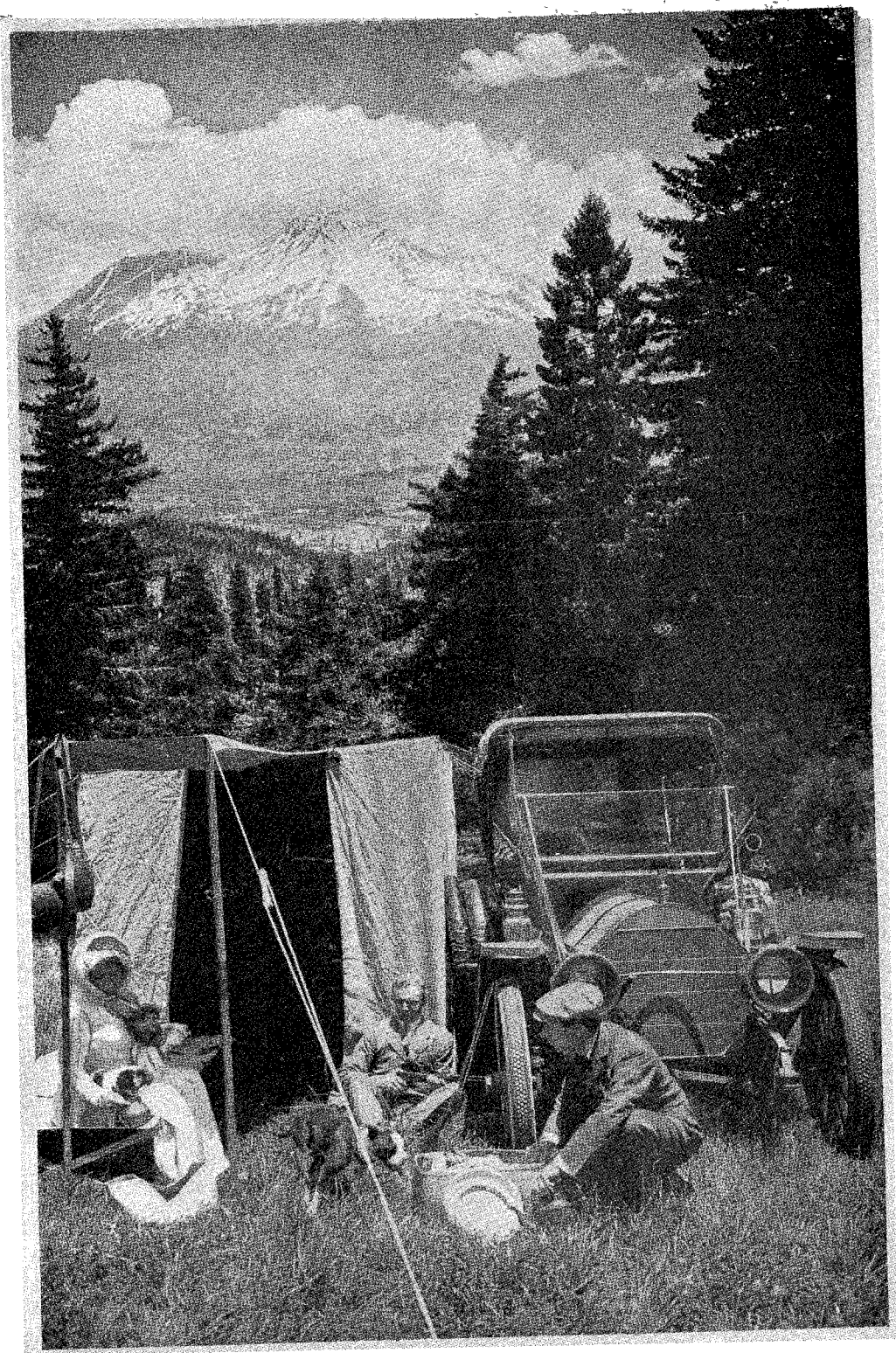
114. *City Directory*, 1951, pp. 1587-1588; 1960, pp. 158-160.

115. Interview with John Ferguson, director of St Vincent de Paul's Ozanam Center, South of Market

Vacation

READERS FAMILIAR WITH *Sunset* MAGAZINE should not be surprised to learn that vacationing has always been a strenuous activity for *Sunset* devotees. Whether car camping in the shadow of Mount Shasta, strolling the boardwalk at Coronado Beach, or spending a day at a Santa Cruz beach, Californians take their leisure seriously. The following sequence of photographs which ran in the June, 1912 issue is typical of the material collected in the new California Historical Society publication, *The Early Sunset Magazine, 1898-1928*, a lively anthology of stories, articles, poetry, and vintage advertisements from the first thirty years of *Sunset*.

Views of Vacation Land



FROM A PHOTOGRAPH BY THE PHOTO CRAFT SHOP

THE MOTOR MUST GO TO THE MOUNTAIN

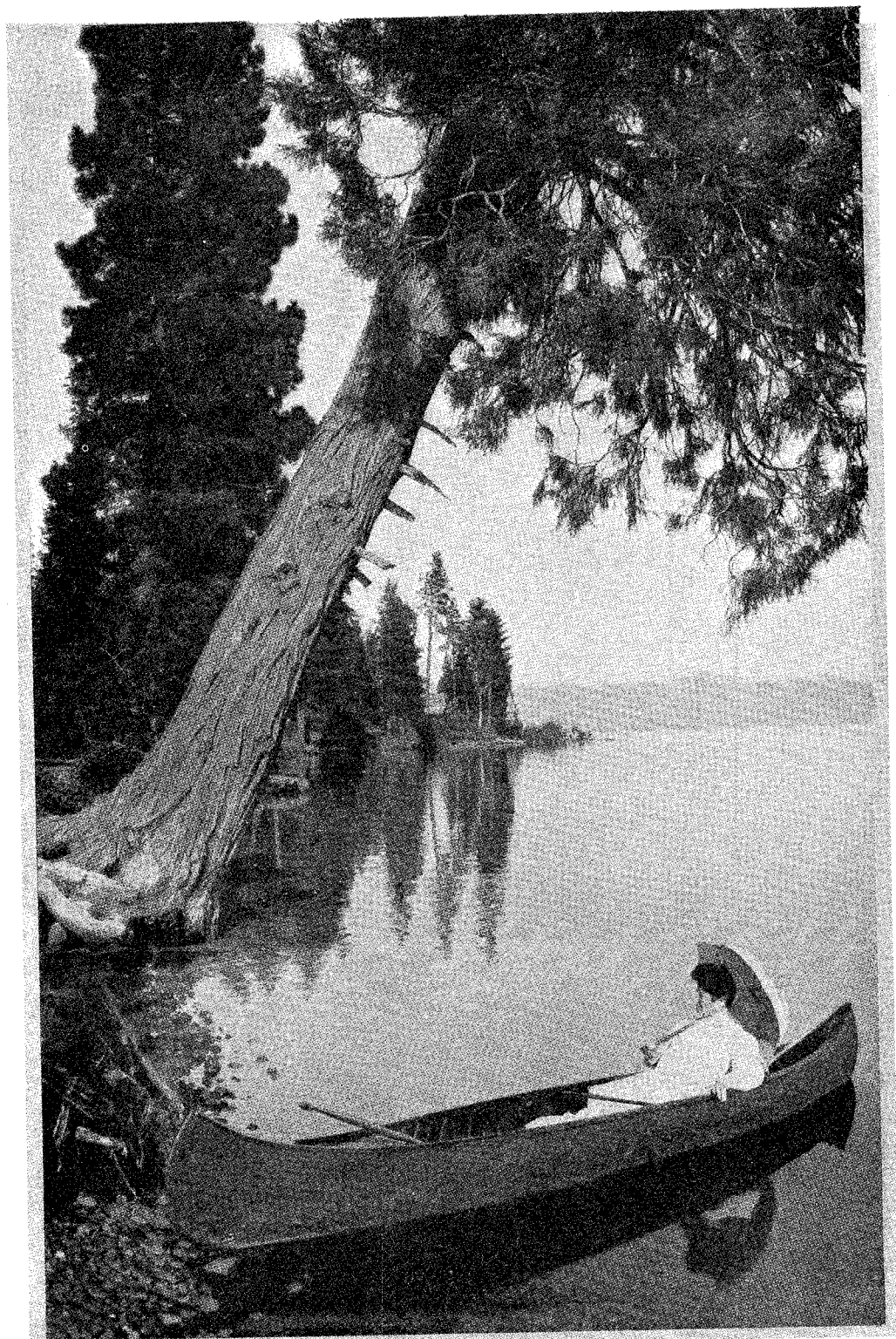
MANY A TOURING CAR IN CALIFORNIA MIGHT BE NAMED "MAHOMET." THE PROPHET'S PRACTICAL EXAMPLE IS MADE EASY TO FOLLOW IN THE CASE OF MT. SHASTA, FOR THE SISKIYOU' ROADS ARE UP TO MOTOR STANDARD JUST AS NATURE MADE THEM. THEY LEAD THROUGH A REGION OF SWIFT PINE-TORI ST BRITZES AND FLASHING TROUT STREAMS FRESH FROM THE ETERNAL SNOWS OF SHASTA.



TENT CITY, BY-THE-SEA

PHOTOGRAPHED AT CORONADO BEACH BY SLOCUM

THIS IS NOT THE ESPLANADE OF SOME KING OF THE CANNIBAL ISLANDS, WITH THE THATCHED ROOFS OF THE ROYAL PALACE FACING A PART OF THE SOUTH SEAS. THE PREVAILING DIET HERE IS PEANUTS, POPCORN AND PINK LEMONADE. THIS IS A SUMMER HOME OF JOY-IN-LIFE, RULER OF VACATION LAND AND KING OF THE WORLD IN HIS SEASON. THE SOUTHERN SEA UPON WHICH IT FACES IS THAT PART OF THE PACIFIC WHICH SMILES IN THE BREEZE-TEMPERED SUNSHINE OF CALIFORNIA



THE LADY OF THE LAKE


LAKE TAHOE, SPREADING BETWEEN SNOW-PEAKS, IS ABOVE THE POISON-OAK LINE AND IS A PERFECTLY SAFE PLACE TO SPEND THE SUMMER, PROVIDING YOU DO NOT "FALL IN." THIS IS A VERY REAL PERIL, HOWEVER, NOT ONLY AT TAHOE BUT AT ANY OF THE LOVELY CALIFORNIA LAKES IN SUMMER, AND UNLESS ONE KEEPS HIS HEAD AND WATCHES WHITHER HE IS DRIFTING, HE MAY BE IN, "HEAD-OVER-HELLS," BEFORE HE IS AWARE



PHOTOGRAPHED AT SANTA CRUZ BY HOWARD C. TIBBITTS

THE PARASOLS OF THE PACIFIC

THERE IS A LITTLE FLOWER ALONG THE CALIFORNIA BEACHES CALLED THE SAND VERBENA. AT THE BEGINNING OF VACATION TIME, THIS TINY BLOSSOM APPEARS TO EXPAND TO A MAMMOTH SIZE, AS IN A FLORIST'S CATALOGUE, AND TO DEVELOP AS ASTONISHING COLORS. IT STILL GROWS CLOSE TO THE SAND. EXAMINATION DISCLOSES A GREAT VARIETY OF ANIMATED LIFE UNDER THESE ENORMOUS FLOWERS. THE BLOOMING SEASON HERE IS NOT PARTICULARLY SHORT BUT IT IS EXCEEDINGLY SWEET



SECRETS OF PISCO PUNCH REVEALED

BEING A TRUE ACCOUNT OF
THE REDISCOVERY OF SAN FRANCISCO'S
LONG-LOST FAVORITE OF FAVORITES

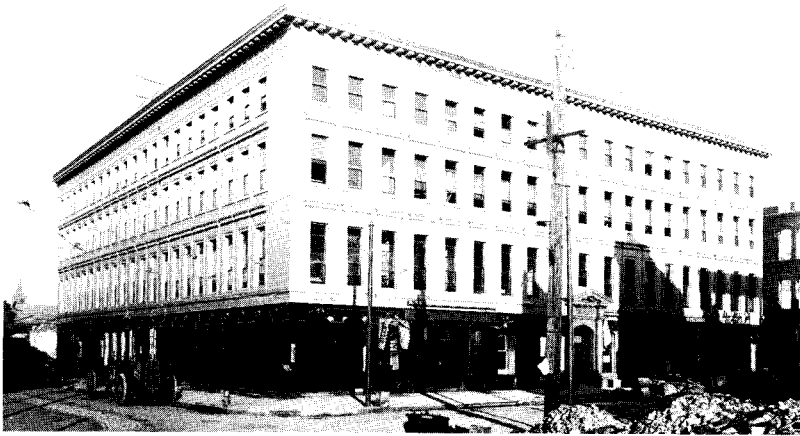
WILLIAM BRONSON



o history of the social life of San Francisco would be complete without mention of the Bank Exchange, a barroom that opened in 1854, survived the Earthquake and Fire of 1906, and continued to thrive with ever-widening fame until its doors were closed forever by Prohibition.

The principal foundation for its renown was Pisco Punch, a mixture which, it was said, went down like nectar and came back with the kick of a Missouri mule. Another description is credited to Oliver Perry Stidger who for many years managed the affairs of the Montgomery Block, that fabled building in which the Bank Exchange was located. He likened Pisco Punch to the scimitar of Harroun whose edge was so fine that after a slash a man walked on unaware that his head had been severed from his body until his knees gave way and he fell to the ground dead.

Because of the punch, the bar, which was also nicknamed "Pisco



The Montgomery Block one month after the Earthquake and Fire of 1906. The Bank Exchange sits behind locked iron doors at the corner. A. P. Giannini's Bank of Italy, which was to change its name to Bank of America and eventually become the world's largest, then occupied offices to the right.

Duncan Nicol, proprietor of the Bank Exchange.





Duncan Nicol's staff at the time of America's entry into World War I. Nicol, third from left, habitually carried his pince-nez glasses looped over his right ear.

John's" in honor of an early owner, achieved an international notoriety recounted by Robert O'Brien in his book, *This Was San Francisco*:

Visitors to the Bank Exchange returned to their homes in New York, London and Berlin and restlessly pined for another sip of the potent ambrosia they had tasted in the old gaslit bar on Montgomery Street. To one impressed reporter of the day, the invention of the Pisco Punch did more to advance civilization than the driving of the Golden Spike. "Step," he wrote, "into the foyer of the Hotel Cecil in London and inquire in a loud voice the location of 'Pisco John's' and from a dozen throats will come the reply: 'Southeast corner of Montgomery and Washington Streets, San Francisco, America!'"

Such was the adulation enjoyed by the Bank Exchange as long as it lasted. But in the intervening years since, the loss of the recipe has eclipsed memories of the bar and the drink itself in the mystique of Pisco Punch. The recipe for the punch was by all accounts carried to his grave by Duncan Nicol, the Scottish immigrant who presided over the establishment from the late 1870's until its closing. The precious formula had been given to him by the previous owners, Orrin Dorman and John Torrence, and Nicol maintained the tradition of secrecy they had established to the end of his days.

San Francisco is rich in stories of the loss and the historians' words ring with an authoritative finality. O'Brien, for example, tells of a press interview held at the time of the Bank Exchange's closing:

... What was the something added? What made it so terrific? ... Reporters badgered him for the answer. What difference did it make now? they demanded. But Nicol stood his ground. "Even Mr. Volstead," he replied firmly, "can't take the secret from me." When he died in San Francisco in 1926 at the age of seventy-two, with him went the mysterious recipe of Pisco Punch.



A group of the regulars.



Pisco Punch was only one of many potables served at the Bank Exchange. Steam beer, a California innovation, was also served by Nicol, but only the punch was exclusive.



Three of San Francisco's finest lift their cups in cheer to Nicol, center, in the fading days before Prohibition closed the Bank Exchange.

Idwal Jones, author of *Ark of Empire*, the colorful history of the Montgomery Block, wrote that the recipe was "... as much lost as Tyrian purple and the art of tempering copper."

And Richard Dillon, writing in the *Eighth Brand Book*, states that "... the recipe eventually died out with the passing of Nicol, though there have been various Houses of Pisco since his time, with pseudo Pisco Punches. Pisco Punch, though its formula has vanished, will long live in memory as a great San Francisco gustatorial invention, like Crab Louie or Hangtown Fry."

Clearly, belief in the loss of the recipe has been an article of faith that no one should attempt to disturb without convincing evidence to the contrary. But having found that evidence, I have no trepidation about revealing it, defending it, and drinking it when the occasion arises. Pisco Punch lives!

In 1964, I was asked by the late A. Crawford Greene, for decades senior partner in the McCutcheon law firm in San Francisco, to assist him in drawing up and publishing a small volume of memoirs for his family and close friends. I took on the project and began by reading the correspondence which filled dozens of his file drawers. The work was not entirely necessary, because Mr. Greene finally wound up writing the book, *East and West*, by himself—as I urged him to do at the outset.

However, had I not done the reading, the secret of Pisco Punch might still lie undiscovered in the Bancroft Library where his papers are now held. For in his personal file, I found the two letters which appear in facsimile on the following pages. At least two other letters are missing from the exchange, but the nature and likely content of Mr. Corbett's original inquiry and Mr. Greene's calculated response can be inferred from the letters that have survived.

CORBETT INVESTMENT CO.
CORBETT BUILDING
PORTLAND, OREGON

April 28, 1941

Personal

Mr. A. Crawford Greene,
Balfour Building,
San Francisco, Cal.

Dear Crawford:

Thanks for your letter of April 24 in
re Pisco punch. What the devil does your man think I am
going to do?

Does he think I want to start manufacturing
Pisco punch as a commercial enterprise?

Tell him I have two bottles of Pisco brandy
that I bought before Duncan Nichol died and I am tired of
having them in the cellar and want to drink them up.

I can't drink them up unless I know the
recipe and so I am trying to get the recipe and may even go
to the extent of letting him try his own "poison" if he
sends me the recipe and then comes to Portland.

Yours very truly,

Henry L. Corbett

HLC S

(C Gr Personal)

May 1, 1941.

Henry L. Corbett, Esq.,
Corbett Building,
Portland, Oregon.

Dear Harry:

I had my tongue in my cheek when I wrote you on April 24th but I thought you would understand the type of man I was talking to and the obvious jealousy he showed of his "prescription." Because of the fact that what he considers unscrupulous competition has arisen only in Portland, he was extremely suspicious that any inquiry of this character emanated from his Portland competitor. I could not shake him, and I thought you would rather write the kind of letter you have than not get the recipe. It is enclosed herewith.

The man I refer to is John Lannes. My partner Farnham Griffiths advises me that he would not use any ready-bottled Pisco Punch regardless who put it up, because any cocktail with fruit juice in it does not last well. He also tells me that he has had dinners cooked by Lannes himself at which the punch was served, and states that when the recipe is followed the result tastes exactly as it did in the days of the old Bank Exchange.

I hope after all this fuss you feel that the result merits the trouble.

Yours very sincerely,
[A. Crawford Greene]

Enclosure.

LANNES' PISCO PUNCH RECIPE

1. *Take a fresh pineapple. Cut it in squares about $\frac{1}{2}$ by $1\frac{1}{2}$ inches. Put these squares of fresh pineapple in a bowl of gum syrup to soak overnight. That serves the double purpose of flavoring the gum syrup with the pineapple and soaking the pineapple, both of which are used afterwards in the Pisco Punch.*
2. *In the morning mix in a big bowl the following:*
 - $\frac{1}{2}$ PINT (8 OZ.) OF THE GUM SYRUP,
PINEAPPLE FLAVORED AS ABOVE
 - 1 PINT (16 OZ.) DISTILLED WATER
 - $\frac{3}{4}$ PINT (10 OZ.) LEMON JUICE
 - 1 BOTTLE (24 OZ.) PERUVIAN PISCO BRANDY

Serve very cold but be careful not to keep the ice in too long because of dilution. Use 3 or 4 oz. punch glasses. Put one of the above squares of pineapple in each glass. Lemon juice or gum syrup may be added to taste.

How can we be sure that Lannes' recipe is the real article?

Well, first, there is the convincing internal evidence of the letters themselves and the integrity and experience of Greene and his partner Griffiths.

Second, almost everything that has been written on the composition of Pisco Punch supports the Lannes recipe. In fact, every ingredient in it, including distilled water, fresh pineapple, and fresh lemon juice is called for in one description or another, with the single exception of gum syrup. The only recipe claiming to be the original which I have seen that was completely off the mark is one published in the September, 1957, issue of *Gourmet* in an article by the late Lucius Beebe:

Jack Koeppler of the Buena Vista in San Francisco . . . who first launched Irish Coffee on the American market . . . prevailed upon a fellow San Franciscan, *Kenneth Prosser*, for what purports to be the recipe of the True Elixir. Mr. Prosser swears that the following recipe was recorded in his late father's own handwriting and may be taken as Revelation. It comprises 2 jiggers of Pisco, 2 jiggers of white grape juice, 1 teaspoonful of Pineapple juice, and 1 teaspoonful of Absinthe, Pernod, or Herbsaint.

The call for "Absinthe, Pernod, or Herbsaint" alone betrays it. Each of these has a strong licorice flavor which would have been easily detected and duly noted by any discriminating reporter. (Real absinthe, which I recently had the opportunity to sample, is the strongest, harshest drink I have ever consumed.) The absinthe myth, which circulated long before the Bank Exchange closed, grew from speculation as to what made the drink so lethal. In truth, it wasn't absinthe, or "hashceesh" as others suggested, but simply the grain alcohol and traces of fusil oil found in Pisco brandy. The brandy, incidentally, is a rough, distinctively flavored drink all of its own with no more taste resemblance to cognac than kirschwasser or tequila.

Finally there is the question of John Lannes. Who was he and how could he have come into possession of Nicol's recipe? It is known that he marketed a bottled version after Prohibition ended, but this is no proof. Many counterfeit Pisco Punches and Pisco Punch mixes have been sold over the years.

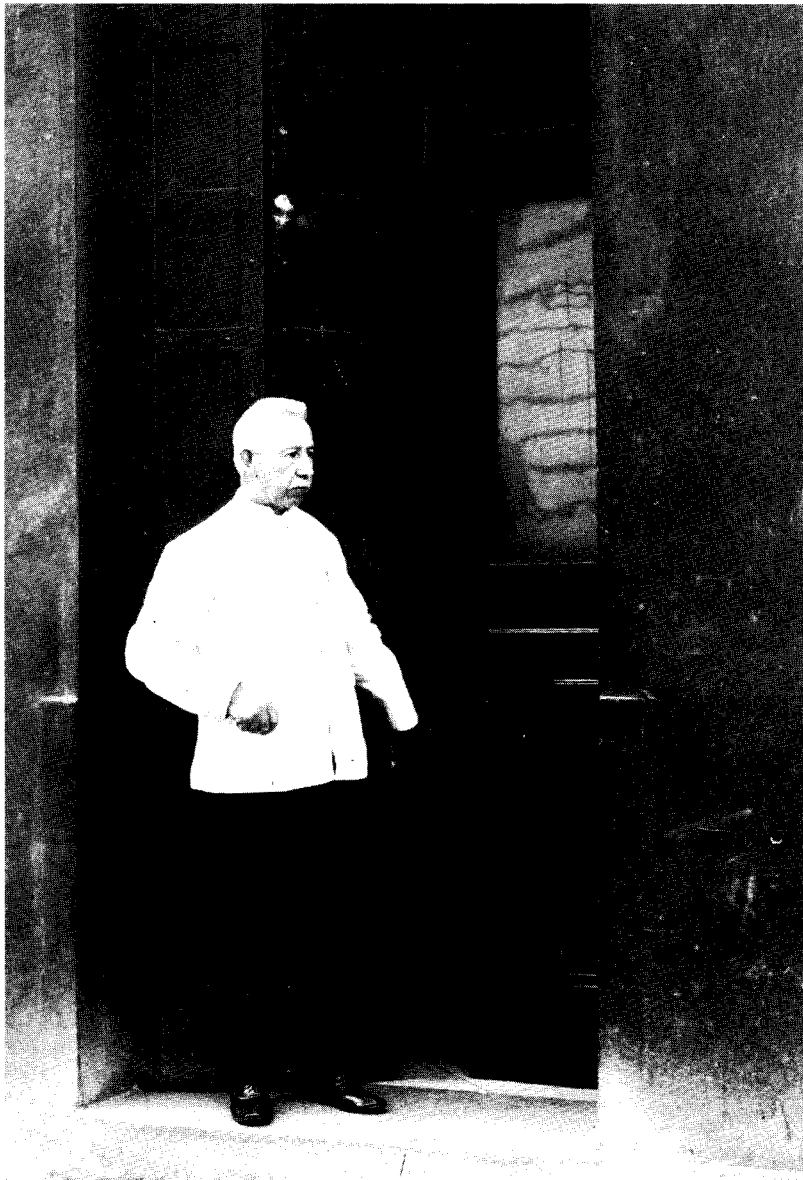
In an attempt to learn a little more about the man, CHS Librarian Peter Evans kindly went through the Society's dusty city directories at my request and traced Lannes (who in early issues is listed alternately as John and Jean) from 1890 to 1951. In the 1890's he worked as a laundryman, but from the turn of the century until 1920 his occupation was listed as "liquors" and "bartndr," when he was listed at all.

Then, in the 1920 directory, which would have been compiled during the previous year, he is listed as "mgr Bank Ex"!

One can only speculate on how the recipe came into his hands, but two ways seem plausible. One is that Nicol, with the specter of Prohibition around the corner, entrusted the formula to Lannes in the twilight days of the Bank Exchange, and the other is that Lannes indulged in what we today call industrial spying. While it's unlikely that Nicol had the recipe written down anywhere, it is not unlikely that Lannes had access to the mixing room where Nicol put the punch together and that he was in charge of receiving supplies. Support for the latter possibility was carried in a story published in the June 28, 1952, issue of the *San Francisco News*. Another ex-employee of Nicol's, Alfredo Micheli, known to all as Mike, told of how he came by the recipe for Pisco Punch he was then serving at the newly-opened Paoli's on Montgomery Street:

"I used to snoop around down [in the] cellar where he mixed the ingredients for Pisco Punch," the plump, elderly Mike confessed today. "Nicol always worked behind a locked grating, but I sort of watched the bottles he took in there. And finally I worked out my own Pisco Punch—just call it Pisco Mike's Punch. . . .

"Ross D. Pelton, attorney of 315 Montgomery-st, who probated the will of Duncan Nicol, as well as that of his widow, pronounced Pisco Mike's Punch as near the original Pisco Punch as any he ever has tasted."



Nicol stands before the Class A double iron doors which kept the Bank Exchange secure for 66 years. It took the Volstead Act to close them forever.

Mabel Greene, the reporter, described Mike's product as "fragrant, extremely seductive, and with a delicate fruity taste."

One clear discrepancy between Lannes' instructions and accounts of how the drink was served by Nicol can be easily explained. Nicol always made the punch one cup at a time, first putting in the pineapple and liquor, and then filling the cup with a liquid from an unmarked bottle. Lannes' recipe called for making it in a punchbowl. The reason Nicol made them one at a time was to maintain complete control of freshness and to minimize waste. Lannes would naturally have made it all at once, since it would be consumed in a matter of a couple of hours at any party where it was served.

Now to the matter of gum syrup. One might reasonably ask why it has taken so long to publish this story. To begin with, it took me several years to find the Pisco brandy, and it wasn't easy. The importers couldn't steer me to any retail outlets in San Francisco, and so I asked my friend Jerry Hanson, a purveyor of spirits, to get his distributor to ship some up from Peru where it is made. Months passed without delivery of the precious brandy, and we finally learned that the vessel carrying the cargo had gone down in heavy seas. Then, by chance, I came across a couple of bottles in a Berkeley liquor store. The only unknown remaining was the gum syrup. I phoned a number of liquor stores and bar supply houses, but no one knew quite what it was or where I might find it. By sheer chance again, I found a dusty bottle labeled "Gum Syrup" in another Berkeley store. It was nothing but a very heavy sugar solution, but I had no way of knowing it was not the ingredient called for in the Lannes recipe.

With what I thought were all the ingredients in hand, my wife and I invited several couples to dinner, and I made the punch, scrupulously adhering to the recipe. It was good, but it wasn't quite as smooth as I had expected. Even adding a little extra distilled water didn't help much.

Several years had passed when in 1972, John Chase of Transamerica Corporation called to ask if I would consult on some of the historic aspects of the restaurant and bar they were planning for the Transamerica Pyramid, which as all students of local history know is located at the "Southeast corner of Montgomery and Washington Streets, San Francisco, America!" (It should be mentioned in fairness to Transamerica, that the company was not responsible for destruction of the Montgomery Block. The evil deed was done by a previous owner.) Through a mutual acquaintance, John knew I had the recipe, and as our discussions progressed, I agreed to prepare this article in behalf of the society and present to the public the long-lost secret.

But what does all of this have to do with gum syrup? To make sure that the punch was worth all the trouble, John Chase hired the Hayward Catering Company to mix up a batch for a private tasting. Albert Bosanach, manager of the catering company, found an old recipe for

real gum syrup, which contains gum arabic, and the last piece fell into place. We gathered in my office in the Columbus Tower—just a block from Washington and Montgomery—and partook of what was probably the first serving of authentic Pisco Punch since John Lannes last poured it before he died in the early 1950's.

It was smooth and good. It was fragrant, seductive and delicate. My wife has asked me not to drink it again. The difference between what I tasted when I first made it and what was served that day was not a difference in flavor, but in texture and bite. I am convinced that the mystery ingredient in Pisco Punch is nothing more than gum arabic, and that it works in some way to take all the rough edges off the Peruvian brandy and perhaps alter the rate of absorption or metabolism of the alcohol in it. This is the recipe for gum syrup:

Crush one pound of gum arabic (if not already in crystal form), and soak for 24 hours in a pint of distilled water. (Gum arabic can be purchased at some confectionery supply houses and health food stores.) Add the gum arabic solution to a syrup made of four pounds of sugar and one quart of water boiled to 220°F. As the mixture continues to boil, skim off impurities and then let it cool to room temperature. Filter through cheese cloth and store in bottles.

So let's get to work on the secrets of Tyrian purple and the art of tempering copper. While Lannes' recipe for Pisco Punch could be off in some small degree, I'm convinced that it is as close to Nicol's nectar as mortals will ever know.



Research Uses of County Court Records, 1850-1879

And Incidental Intimate Glimpses of California Life and Society

Part I

W. N. DAVIS, Jr

*Chief of Archives,
California State Archives, Sacramento*

COUNTY COURT records are a rich and virtually untapped resource for historical research. Forming a well-ordered archival entity, court record series are valuable sources for social, economic, biographical, genealogical, and (perhaps a less familiar area) legal history. Although this study is based almost entirely on California materials, hopefully it suggests the extraordinary documentary dimensions—and, hence, the considerable research value—of local court records throughout the country.¹

The Constitution of 1849 determined California's court structure in the period 1850-1879, the first decades of California's statehood.² County courts of the time were five in number: the justice court, county court, court of sessions, probate court, and district court.³ They were the courts that functioned in every California county, assembling the evidence from which were winnowed the facts essential to case judgments.

Of course, the records of these local courts have varying value to the historian. The important but more selective files of the appellate supreme court (and of the later courts of appeal), which emphasize questions of law, cannot compare to trial court records either in range of subject matter or in wealth of factual content.

Physically, records of the county courts consist of books and unbound files. Clerks of the court kept several series of books in which the chronology and principal facts of court proceedings were recorded.⁴ The record books of highest research value are the minute books, which recount the day-to-day business of the court, and the judgment books, which record the decrees, orders, and sentences that conclude the actions. In addition, clerks kept dockets, registers of actions, jury books, fee books, and the like. Accurate indexes of the names of the plaintiffs and defendants were maintained for the record books. Unbound case

files, on the other hand, were made up of loose documents that accumulated in the course of case adjudication. Often referred to as the judgment rolls, the case files contain such items as complaints, summonses, pleadings, depositions, affidavits, testimony, exhibits, writs, judgments, and executions. The indexes of the record books also serve as indexes for the case files. Generally speaking, the case files are much the most important court records for research purposes, and of the records in the case files, the most useful are the complaints, depositions, affidavits, and in-court testimony, which more often than not contain unique and significant factual material. The testimony, depositions, and affidavits are a notable portion of the original corpus of oral history, with the special importance of being oral history taken under oath.

For all their richness, court records have certain limitations as a research source, both as to content and convenience of use. Such materials, of course, are but one of the several primary sources that often exist for study of a given subject, and they alone rarely provide all the information on a topic one might want. As with all sources, they must be read and evaluated closely and critically. Further, effective use of court records usually requires a special kind of patient, thorough, and imaginative digging. The researcher may go through a quantity of material that could scarcely be more irrelevant before coming upon facts that bear on his subject. Owing to the scattered locations and considerable bulk of the California county court records, the evidence upon which this paper is based constitutes but a very small part of the total records available. It nevertheless appears that the field is a good one for quantitative survey and analysis of data, and, fortunately, much can also be learned from more casual case-sampling.

Perhaps the most obvious use of county court records is in the area of social and cultural history.⁵ Collectively, the court cases document an endlessly kaleidoscopic and very human cross-section of the life of the times. Informative details, a revealing spectrum of local color, and insights into personalities, issues, and events abound. The records show human hopes, strivings, speculations, and frolics: the successes and the failures. Researchers can observe the misdemeanors and the crimes, the full range of wrongs to person and property, and the offenses against the peace and dignity of the state. Pioneers become the human beings that they actually were—good, bad, and in-between. The circumstances—fortunate and unfortunate, in high places and low—under which they actually lived become real.

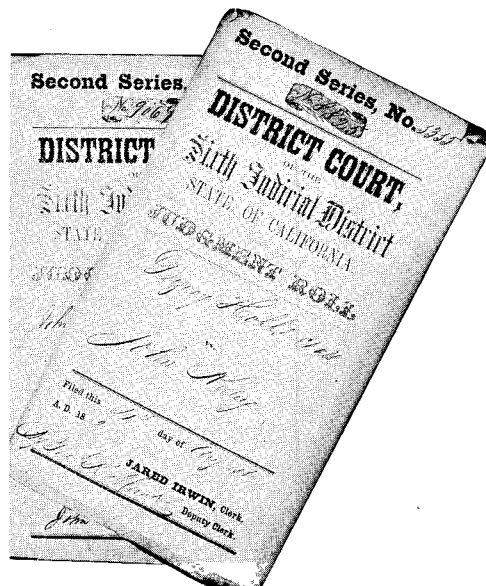
A charge such as “Swindling or Cheating” appears early in the Sacramento cases. As Luke Agur, a miner, testified in the Sacramento County court of sessions in January, 1851, “My landlord told me yesterday that if I am going to get gold dust weighed, to be careful and not get cheated as there was a great deal of cheating.”⁶ The forewarned Agur caught the dealer moving the hook at the end of the scale beam in an attempt to obtain \$32 in gold dust for only \$24. That same month another trader was charged with swindling for using scales which registered \$22 of gold dust at \$14.⁷ That such transactions were not entirely one-sided is demonstrated by the cases involving counterfeit gold dust and counterfeit nuggets. In July, 1851, for example, Samuel Kurtz paid \$5,000 in money for what was represented to be 312 ounces of gold dust, “whereas in truth and in fact the said metallic substance was not mineral gold.”⁸

The theft of gold dust, as might be expected, was, for a time, a very common cause of criminal action. Mrs. Mary King testified in the Sacramento justice court in July, 1850, that persons unknown had stolen from her room two leather bags containing gold dust and California coin worth about \$3,500.⁹ A. B. Caldwell made an affidavit in Sacramento in August, 1850, that on the previous afternoon, "while asleep near a house" on the Johnson Rancho road, he had been relieved of gold dust worth \$1,500 to \$1,600, "amongst which is fine Yuba gold."¹⁰ William Wilkie charged in Sacramento in September, 1850, that Jacob Lose had stolen from the affiant and his associates some \$2,400 "in Coarse dust principally Specimens of five dollars and upward each and a bag containing black sand with a portion of Gold in it."¹¹

In the year 1853, in the little frontier village of Union Town in northwestern California's Humboldt County, both parties to a marriage sued each other in the district court for a divorce. The facts show that the wife had left her husband and taken up lodging in a house in which the only other resident was an unmarried gentleman boarder. One may look at the testimony of the couple's neighbors for frank pronouncements concerning local scruples and standards of conduct. An acquaintance of the boardinghouse occupants testified that he thought "it was improper that they should live in the same house together."¹² Another thought "they were greater friends than they ought to be under the circumstances" and that "their conduct would cause the people to talk." Testimony brought out the fact that the doors of the boardinghouse were merely cloth drop doors; entered as an exhibit was a diagram of the floor plan and the location of the furniture. Another witness testified that as he was passing the house one night, "I heard some low talking. . . . I stood there something like ten minutes. . . . I was standing as close to the house as I could get to peep in through a crack by the door. . . . I saw a light under the door and stooped to look." And so a procession of pioneering people, telling of their observations and surmises, reciting rumors and opinions and facts, thus provide for the record something of the flavor, the interests, and the problems of life in Union Town.

Actions for divorce usually required a showing of fault which means, for the

In county courts, unbound case files, often referred to as judgment rolls, were assembled from the loose documents accumulated in the course of case adjudication. They contain such items as complaints, depositions, testimony, exhibits, judgments, and executions and are usually the most important records for research purposes.



researcher, a picture of human frailties torn with discord and disenchantment.¹³ "I got up early in the morning and looked through the keyhole," a witness declared in a Sonoma County divorce case in 1857.¹⁴ The plaintiff-wife, in a Lassen County case in 1869, stated, "I had told Mr. E. I was going off to visit one of the neighbors; instead of going, I returned to the house, and saw this transaction with Mary W. I stopped at the window several moments."¹⁵ A witness in a Sonoma County case in 1858 stated, "I see a man destitute of clothing save his shirt come in & get into bed with def[endan]t. I shortly got up & went out to the well. I found laying on the out side of the door a pair of pantaloons & shoes."¹⁶ In a Marin County case in 1860, a little girl testified about her mother's and father's conduct: "She said to him that she was going to spend the day with one of the neighbors but instead of going she put some boards overhead and watched him and saw him doing bad things to me."¹⁷

The defendant husband in a Sonoma County divorce case in 1856, in answering his wife's complaint, declared, among other things, "That to the best of his knowledge the Deft. has never loosen any of the teeth of Plff. and that he has never expressed regret that he had not knocked the teeth of her Plff. down the said Plffs. throat but on the contrary thereof he has at all times considered the teeth of her Plff. both useful & ornamental & as such he has at all times heretofore been anxious to have them kept & preserved in good condition & repair."¹⁸

Across the continent and two hundred years earlier, court records tell of equally improper goings-on. In 1661, in Springfield on the western frontier of Massachusetts Bay Colony, Joseph Leanord was fined by the local court for "sporting and laughing in Sermon tyme," and in 1690, John Crowfoote and John Buck were arrested for being "In Drink, if not Drunk and that at a very unseasonable time being .10. a clock at Night If not past. . . ."¹⁹

Demon rum took his toll in California, too. One night in June, 1850, Sam Brannan and three others, after making the rounds of Sacramento's wide-open saloons, mounted an attack on a squatter's hut on the levee, the time then being "a little before daylight."²⁰ Testimony in *People v. Brannan et al.*, in which the court of sessions tried the defendants on a charge of riot, shows that at about 1:00 A.M. Brannan and friends were seen marching through the streets of Sacramento beating a Chinese gong. Finding a wheelbarrow, they loaded up one of the party and rolled him into Lee's Exchange for drinks. Later on, while walking through the streets, they were observed "all in a heap." When the assault on the complainant's house was made, Brannan, who was a leading opponent of the squatter faction, was seen at the forefront, crowbar in hand, vigorously dismantling the structure's entry. The court fined Brannan \$200, the others \$25. The incident doubtless tells something about popular concepts of justice in Sacramento City.


Gold rush letters, diaries, and journals are well-known primary sources of great value for study of California's "Golden Age." Yet, the writers of such accounts, with a few exceptions, were reticent to the extreme concerning certain aspects of ordinary living and the rougher elements of the passing scene. Newspapers were more given to realism, but they, too, exercised an understandable restraint. Court records, however, reveal the people candidly and factually in their vernacular, colloquial, and earthy dress. This characteristic verisimilitude

and historicity constitute one of the primary values of court records for historical research. The record of *People v. Seymour alias Smith* in the Sacramento district court shows that on the night of December 22, 1852, Albert Putnam, a stage driver on the Auburn road, strolled into the parlor of the Palace, a house of prostitution on Sacramento's Second Street, with six or so other stage company employees.²¹ Putnam took the only empty chair available, whereupon the proprietor, Fanny Seymour, who had been seated across the way near the piano, came up and told him that he was sitting in the "Wine Chair" and that he should pay for a bottle of wine. Putnam begged off. The rebuffed Fanny then said, "You God d—d thieving, counterfeiting Son of a b—h get out of that chair." Angered, Putnam arose, exclaiming, "damn you dry up," and then as he made his way to the door, Fanny slapped his face, kicked him, took something from her mouth and threw it in his face, and as he reached the porch on the street, she fired a pistol and shot him in the back. Though severely wounded, Putnam recovered. The spontaneous Fanny was indicted on a charge of assault with intent to commit murder and released on a \$3,000 bond; she fled Sacramento and was never brought to trial. Fanny's language is mostly familiar to today's ears, but was "counterfeiting" peculiarly a bit of Sacramento vocabulary? And the "Wine Chair." Cannot one imagine it the center of many another vivid scene?

Fanny Seymour was no stranger to the courts of Sacramento. Two years earlier she had been indicted for keeping a disorderly house where men and women "of evil name and fame and of dishonest conversation" came together, "there to be & remain, drinking, tippling, whoring & misbehaving themselves."²² Sarah Hopkins, arrested at the same time on a similar complaint, advanced the good defense that the keeping of such a house was neither forbidden by statute nor indictable under the common law.²³ A complaint against the "Shingle" House was likewise dismissed, a witness having testified that he thought "the house tends to increase the value of property in its vicinity. Do not consider the house a nuisance, by any means."²⁴ Numerous thefts at such resorts preceded the Sacramento district attorney's campaign against them. Franklin D. Gilbert, a monte dealer visiting the "Shingle" House, had found that the one of the girls' nimble fingers had relieved him of a diamond breast pin worth \$600.²⁵ At Mary Jane Carswell's house, Sarah Church, with James Brown visiting in her room, had opened up a trunk to change some twenty dollar pieces—"we had some business together that caused us to make use of some money"—and later, she alleged, Brown had stolen over \$5,000 from her, "mostly in gold coin & some dust, also a lot of Jewelry."²⁶ The gold mine of prostitution in a largely womanless society is much in evidence in the court records. Neither wholly within nor outside the law, gold rush prostitutes were easy prey for the robber and the thief.

The rough, dog-eat-dog life aboard the steamers which traveled between San Francisco and Sacramento in the 1850's is described in the Sacramento case of *People v. Barnard*.²⁷ In the fall of 1850, the steamer *Senator* was proceeding up San Francisco Bay on the Sacramento run, and as the Chinese boy who acted as steward was carrying the dinner (beef and cabbage) to the cabin, a fireman attempted to help himself to some of the food. The boy managed to ward off the

*This ticket was
evidence in John
Child's suit against
McPike and
Strother wagon
train company.
Child lost his
personal belongings
when the party
disbanded upon
reaching Lassen's
Meadows.*





THIS TICKET entitles the holder thereof to a passage from
JOSEPH, Missouri, to the CALIFORNIA GOLD DISCOVERY in the Passenger
Train of McPIKE & STROTHER, the dangers of the route only ex-
cepted. Should the passengers fail to get through by the neglect of the Proprietors, they thereby bind the
Teams and Hacks to the purchasers of the tickets for performances on their part, with the exception above men-
tioned; and each passenger is required to do a proportionable part of camp duty. If the Proprietors should fail
to start to California, the money refunded.

RULES AND REGULATIONS.

- 1st. The Captain and other officers to be elected by a majority of the passengers.
- 2d. The Proprietors to have the control and management of teams, &c.
- 3d. Each passenger to furnish himself with a good gun and ammunition.
- 4th. By-Laws to be approved by a majority of passengers.

Hack No 4

Ticket No 19

raid but received several blows in the scuffle. When the engineer went to the gangway to investigate the trouble and asked a second fireman about the assault on the boy, he received for a reply: "Damn him, I'll heave him overboard." On going to the upper deck after dinner, Capt. Joseph C. Bernard saw the Chinese boy "rush into the galley and immediately after him a stick of wood followed striking against a kettle & knocking it overboard." The captain, according to his testimony, jumped from the upper deck and, approaching the two firemen, Taylor and Summer, upbraided them for their conduct. When Taylor persisted in defiance, the captain grabbed a stick of wood and threw at him, but did not hit him, whereupon Summer cried out, "God damn your soul, you would not serve me that way." Summer, for his part, subsequently testified that he had merely asked the captain "what business" he had to throw the stick at Taylor, whereupon "the captain struck me in the stomach with an axe—with the edge of it—The axe was dull but the blow hurt and I am now sore from its effects." True to his word, the captain discharged the firemen at Benicia, but upon reaching Sacramento he found that Summer had brought a complaint in the local justice court charging him with assault and battery. Justice of the Peace Chas. C. Sackett, a pragmatic soul well-seasoned to the brawling turbulence of the times, heard not only the adversaries but also several witnesses, the testimony including Captain Barnard's statement that "it was necessary to quell the disturbance on board and none but violent means would answer." Sackett concluded that there was "no sufficient reason" to believe the defendant guilty of the offense named and so discharged him. However unique these individual cases, even the least of them contains material bearing upon one aspect or another of social and cultural history.

For the economic historian court records have a truly major relevance. Because litigation springing from economic activities so often occupied the attention of the courts, the case files throw a strong and penetrating light on economic ventures and the circumstances under which such undertakings were conducted. Whatever the elements of significance in the local economy, they were certain to be reflected in the local court records. For example, the newly-arrived gold rush immigrants, pausing and taking their bearings in Sacramento, gave rise to a class of cases in the Sacramento courts that can be described as end-of-the-journey litigation. "Sept the 10th 1849," reads the plaintiff's affidavit in his own hand, "This day personally appeared D S Shacklett and complains . . . that him-

self and 4 others sat out from St. Joseph Mosuru in joint Partnership . . . for the Gold mines."²⁸ Now that they had reached California, Shacklett wanted a just division of the company's property, which he alleged the other partners wrongfully refused to make. The contested property consisted of a wagon, a cart, twelve oxen, three cows, flour, sugar, coffee, soap, candles, five picks, three shovels, two spades, and a keg of powder. The defendant partner answered that a final settlement had already been made "at the Carson river on or about the 15th day of August last past." The court settled the matter by decreeing that Shacklett should have one-fifth of the property upon his payment of \$80 to the defendant.

The unfortunate experiences of a wagon train carrying 123 paying passengers from St. Joseph, Missouri, to the "California Gold Diggins" in 1850 were recounted before the Sacramento justice of the peace in the case of *John W. Childs v. McPike & Strother*.²⁹ With teams worn down and provisions low, the wagon train had disintegrated on reaching Lassen's Meadows on the Humbolt. Passenger Childs—whose original ticket "No. 19" for a seat in "Hack No. 4" for which he paid \$200 may be found in the case file—had had to pay his own expenses the remaining distance to Hangtown and was now suing the train's proprietors for the loss of a gun, a buffalo robe, three blankets, and a trunk which contained his spare clothing, a box of medicines, five pounds of mercury, and a flute. Here is evidenced the well-outfitted, provident Argonaut who possessed both the desire and the means to undertake the journey in style. Childs won a judgment in the justice court, only to have the county court reverse the decision on appeal.

The case of *Eben B. Hooper, late Master of the Barque Rising Sun v. The Barque Rising Sun and the Members of the Rising Sun Mining and Trading Association*, which was heard "In Admiralty" in the Sacramento court of first instance (the predecessor of the county and district courts) in October, 1849, shows the breakup of a company that had traveled to California by sea.³⁰ Among the interesting documents in the case file are a copy of the constitution of the Rising Sun Mining and Trading Association, printed in New York in 1849; the contract, certified in New York on March 26, 1849, by which Isaac Smith received title to the *Rising Sun* as security for the \$9,993 he had advanced to finance the association's California venture; and Captain Hooper's contract to navigate the *Rising Sun* from New York to San Francisco for a consideration of a single share of the association's common stock, worth \$300, plus \$100. In the lawsuit the court dissolved the association, appointed receivers to sell its extensive property, and laid down a four-point plan of priorities for distributing to the fifty-nine members the moneys received and goods remaining which amounted in all to more than \$12,000 in value. A major item of the association's property was 12,982 feet of lumber which, at \$387 per thousand, sold for \$5,023.

The receiver appointed in Sacramento in December, 1849, to settle the affairs of "the late firm" known as the New York and California Mining and Trading Association sold the association's property for \$21,838, which, after payment of the debts, permitted a return of \$282 to each of the sixty-nine members against the \$500 originally invested by each. According to the papers in *Boune et al. v. Mesick et al* the association's members, whose names are listed in the docu-

file contains Williams' original bill of lading, signed in New Haven on May 26, 1849, which makes clear the basis of his concern; included in the substantial shipment were ten barrels of pork, ten kegs of lard, one tierce of hams, sixteen boxes and two crates of tin ware and stoves, a quantity of pipe, 40,000 feet of lumber, ten outside doors, 185 windows, ten boxes of tobacco, ten quarter pipes of brandy, four pipes of Holland gin, four hogsheads of St. Croix rum, ten quarter casks of old Madera wine, ten barrels of whiskey, thirty barrels of American gin, twenty-five barrels of American brandy, ten barrels of N.E. rum, four barrels of proof spirits, an iron safe, a force pump, and five packages of India rubber hose. Williams contended that the delayed arrival, at a time of "great depreciation in every description of goods," had caused him to suffer heavy damages. In the Sacramento hearing, however, it was held that no proof had been submitted showing that there had in fact been an unnecessary delay en-route to California, and the charge was dismissed.

The maritime law of the admiralty court was again invoked in Sacramento by the pioneer physicians J. F. Morse and J. D. B. Stillman in February, 1850.³⁵ The doctors claimed in a suit against the steamer *McKim* that \$313 on the hospital bill of William Butler, recently a seaman aboard the ship, was still outstanding. It was settled maritime policy, which was fully applicable to all ship-owners navigating the Sacramento River, the plaintiffs argued, that a seaman is entitled to be cured at the expense of the vessel, of all sickness and injuries sustained in serving thereon. True, Butler had been discharged from the *McKim*, "but not until he was utterly disabled by sickness," said the plaintiffs, "and in the low mutterings of delirium was sent in a cart from her side." The court awarded the doctors \$250 damages.

The case of *Sonnichson v. Brown et al.*, heard in the district court of Humboldt County in 1854, contains information on speculation in town and road building in that area in 1850.³⁶ The record shows that the twenty-four party defendants, one of whom was Capt. Joseph L. Folsom, had in March, 1850, formed a partnership in San Francisco under the name of the Laura Virginia Association for the purpose of making a location "somewhere upon the coast" and establishing a town "to get the trade of the Trinity mines." The expedition sailed from San Francisco on the ship *Laura Virginia* on March 20 and arrived at Humboldt Bay on April 10. The party selected a site for a town, which it named Humboldt, and then dispatched a detachment to select a route for a road to Big Bar on the Trinity River. Sonnichson was suing for \$4,167 which he claimed was owed for services rendered in the construction of the road. The certified claims in the case file give the rates of pay for a guide, a surveyor, and road workers, the costs of food and supplies, and the charges for the use of horses and mules.

The *Dye v. Bayley* cases in the Sacramento court of first instance and the El Dorado County district court in 1850 and 1852, respectively, contain material on the laying-out of the gold-discovery town of Coloma in April, 1849, and the building and occupancy of The Winters Hotel. They also contain a copy of the contract of the sale of a one-third interest in the Sutter sawmill in June, 1849, and an account of Dye's suit against Bayley in the Coloma alcalde's court in August, 1849, part of which reads.

Winters left the courthouse and got fire arms. . . . The Alcalde expostulated with Winters but Winters swore that he would shoot Dye. The Alcalde snatched the pistol out of Winters hand and threw it in the Mill race. Winters went into the Mill race and got the pistol and tried to fire it off.³⁷

Court cases also contain a great deal of information on the construction of buildings. For example, *Petit v. Dewey & Smith*, a Sacramento case in 1850, holds the original contract, dated October 23, 1849, for the construction of the Sutter Hotel on Sacramento's Front Street.³⁸ Moreover, since the proprietors failed to pay the builders, the file also has within the record of the sheriff's sale in January, 1850, itemizing the furnishings of each of the twenty-four rooms of the second and third stories of this gold rush California hotel. Another Sacramento case contains the original contract and detailed specifications, dated October 10, 1853, for the construction of the Sacramento Water Works building, a sturdy brick structure 127 feet long, 50 feet wide, and 36½ feet high.³⁹ The contract bears the signature of Alderman Peter H. Burnett, then chairman of the city committee on contracts and expenditures.

Early California's principal livelihoods—mining, ranching, and farming—were subject to a large amount litigation. The case of *Wilson & Wilson v. Lassen & Gerke*, which began in the Butte County district court in 1852 and was transferred the next year to the San Francisco district court, contains a copy of the November 26, 1849, agreement between Peter Lassen, John Wilson, and Joel Palmer for the division of Lassen's ranch in the upper Sacramento Valley, together with a considerable amount of testimony on farming operations at that location in 1849 and 1850.⁴⁰ Interesting information on William H. Nobles' visit at Lassen's ranch in the fall of 1851 and on the party that went out in February, 1852 to examine the new route over the mountains, soon known as Nobles' Road, went into the records. Also in the file is a detailed statement of Lassen's financial dealings with Starr, Bensley & Co. of Sacramento, including Lassen's ill-fated purchase in December, 1849, of the steamer *Washington* for \$8,000.

Although the Wilson-Lassen case was heard in the San Francisco district court, whose records were destroyed in the Great Fire of 1906, the record of the trial is nevertheless available because a transcript of the lower court proceedings was sent to the state supreme court on the appeal of the case. The records of thousands of early San Francisco court actions similarly survived and are now to be found in the supreme court files in the California State Archives in Sacramento.

The Sacramento case of *Muldrow v. Norris* in 1851, concerning the lease of a portion of Rancho del Paso, contains John Bidwell's authoritative deposition that "Common Spanish Cows if properly attended to will give six quarts [of milk] per day for six months in the year, and, for the three following months, will average three Quarts."⁴¹ Only an old Californian would know.

For business history, cases yield an almost inexhaustible amount of material, much of which exists nowhere else. The case of *Young v. Starkey et al.* in the superior court of the city of San Francisco in 1851 throws light on the San Francisco-based firm of Starkey, Janion, & Co. and its ambitious but unsuccessful ventures in the California market in 1848 and 1849.⁴² With Captain David Dring engaged as a partner in supervision of operations in the interior, the com-

pany maintained general stores in San Francisco, Benicia, Stockton, and at Sutter's Fort. John Jackson Starkey was a resident of San Francisco, Robert Janion of the Sandwich Islands, and James Starkey of Liverpool, England. Among the documents in the case file is a copy of the contract signed by the company's agent and Captain Dring in San Francisco in November, 1848, "for continuing the retail store at Sutter's fort on the River Sacramento," the company to supply the store with trade goods, Dring to pay half the costs. The latter, "for his trouble and travelling expenses in conducting the same," was entitled to half the profits plus one per cent of the net amount of goods sold. The total operation, however, proved a dismal failure (at Stockton "the Clerk frequently lent money belonging to the store") and the losses exceeded \$60,000 by the time the partnership was terminated in January, 1851. Another San Francisco case of the time rounds out our realization of the cosmopolitan character of the Starkey-Janion-Dring partnership and, in effect, of the San Francisco society of which they were a part.⁴³ As owner and master of the ship *Janet* in 1846, then lying in the Port of Auckland in the British colony of New Zealand, Captain Dring had been under contract with two Aucklanders to carry 200,000 feet of lumber to Hobart Town in Van Diemen's Land, or if no desirable market could be found there, to Adelaide in South Australia. California gold had called all three of the New Zealand contracting parties to the new operational field centered on San Francisco Bay.

From *Lurvey v. Wells, Fargo, et al.*, heard in the Sacramento County district court in 1853, can be ascertained the Wells, Fargo & Co. plan of operations in interior California at that time.⁴⁴ The case involved the loss of a \$715 check which the company had agreed to carry to Sacramento from Nevada City. Isaac M. Hubbard, agent for Wells Fargo at Sacramento and "all other places above or north of it," testified that he

had full authority to appoint & did appoint the up country agents and defined their duties by my authority. I appointed Mulford agent at Nevada. . . . His agency was to attend to the Express business of Def[endan]ts for which he was to be paid so much a month. Defts never contemplated doing a Banking business in the country at all, ie, above Sac'o. The arrangement with Mulford was to allow him so much a month for attending to the Express business. He purchased gold dust on his own account & sent it down to us to sell on commission. He did all the business at Nevada on his own account with the exception of receiving & transmitting packages. He received a commission for all drafts drawn by our San Francisco house on New York which he sold at Nevada. . . . He hired the office & paid the rent for it in his own name.

The jury, however, held the company liable and found for the plaintiff.

Concerning road building, transportation, and communication services, Case No. 416 of the Sacramento County probate court contains a substantial collection of documents relating to the establishment and operation of the San Antonio and San Diego Mail Line in 1857 and 1858.⁴⁵ The case concerns settlement of the estate of the great stage coach entrepreneur, James E. Birch, who was lost at sea in September, 1857. In the file are scores of invoices and claims totaling thousands of dollars owed for goods, equipment, and services furnished the San Antonio-San Diego company. Included, for example, is the invoice of the steamer *Colorado* for freight on ten tons of barley from the mouth of the Colorado River to Colorado City, \$650; of Nelson & Doble, Blacksmiths and Horse Shoers, San

The Sacramento County probate case of 1858 settling the estate of stage-coach entrepreneur James Birch contains substantial information on the San Antonio and San Diego Mail Line, some goods for which were purchased at C. Crocker's store (right). Also in the file is the claim of the keeper of the Colorado Ferry (portion below), which itemizes the number of men, animals, cargoes, and wagons carried over at each crossing.

OFFICE IN NEW YORK, 75 WARREN STREET
 Sacramento, Sept 4th 1858.

M. Estate of J. C. Birch
 Bought of **C. CROCKER,**
 Importer, Wholesale and Retail Dealer in
STAPLE AND FANCY DRY-GOODS
 CARPETS AND BOYS CLOTHING.
 No. 246 J Street, between 8th and 9th.

TERMS - CASH.

Aug 11 th	42 yds Carpet	19/	53 13
	Making & Putting down same	50	5 51
	27 yds Mattin	75	5 63
	Putting down same		2 51
	26 yds Green Mattin	26	-
	Putting		3 -
			\$102 76

Paid by *C. Crocker*
J. C. Birch

1	"	Carrying	3 men & 2 animals	3
4	"	"	1 " 2 " & 1 horse	2
12	"	"	4 " 6 " 1 horse	1
13	"	"	5 " 9 " 1 horse	9
				43 61 = 29

Colorado Ferry
 Feb 19th 1858

Francisco, for 200 lbs. of mule shoes, \$36, and for twenty-five lbs. of horse nails, \$10; of the San Diego *Herald* for advertising the "New Passenger Route" twenty-one times, \$88. Included is the claim of L. J. Y. Jaeger, keeper of the Colorado Ferry, listing the thirty-eight crossings he had provided the line between August 17, 1857 and February 13, 1858, with an itemization of the number of men, animals, cargoes, and wagons carried over at each crossing.

The case of *Sacramento Valley Railroad v. Moffat et al.*, heard in the Sacramento district court in 1855, illustrates the problems that arose upon the construction of a railroad across improved farmland.⁴⁶ The dozens of records in the file document the landowners' determined efforts to establish maximum damages for the loss of their land, buildings, and fences. The file contains a map of the railroad's route east from Sacramento indicating the extent of the railroad's requirements, a copy of the report of the commissioners the court appointed to assess the landowners' damages, testimony by engineer Theodore D. Judah on the quantity and value of the land affected, and the original deed by which Captain Joseph L. Folsom conveyed a right-of-way across Rancho de los Americanos and the land that was to become the railroad's eastern terminus in the new town bearing Folsom's name.

Of the many lawsuits in which the Central Pacific Rail Road Company was a party, the records of which constitute a primary source for study of the company's early history, three or four may be mentioned. In *People v. The C.P.R.R. Co. et al.*, heard in the Placer County district court in 1867, in which at issue

was the valuation of the railroad's property within the county, a considerable amount of testimony was taken relative to the cost of construction of that section of the road.⁴⁷ For example,

Mark Hopkins sworn, says:—I know the . . . road bed and superstructure, and their value; I estimate them at about \$6,000 per mile [the county valuation was \$15,000 per mile]. . . . By superstructure I mean the iron, ties, chairs, and spikes; the road bed is the bed on which the track is laid, which has cost from \$200 to \$400 per mile; I am the Treasurer and a Director of the Company, and have been since its organization; this 40½ miles cost below \$75,000 per mile for graduation, masonry, etc. the superstructure cost between \$9,000 and \$10,000 per mile; disconnected from the rights, privileges, and franchises, I should not value the road at more than \$6,000 per mile.

In 1864 Reuben Butterfield, a farmer, sued the Central Pacific in the Placer County district court for \$2,000 damages and a permanent injunction against trespassing.⁴⁸ After describing the manner in which the railroad's construction crews had destroyed his crops, Butterfield told of the trouble he had with his fences. "I tried to keep the fences up to keep the stock off my land," he said,

but as often as I would repair the fences they would be immediately torn down again by the men at work in grading and working upon the railroad on my land; these men not only graded the railroad track through my inclosure, but did a great deal of hauling of various materials, rock, timber, etc., over my land in various places in the vicinity of the railroad line, in and about making the road, and in consequence it became a sort of public thoroughfare through my ranch along in the vicinity of the railroad track, and in this way the fences were kept torn down for considerable distances on each side of the track; some times the fences would be torn down within an hour after I had repaired them, generally I would not see it done, it would be done after I had left, but on one occasion it was done by Leland Stanford before my eyes; he was then President of the defendant, the Railroad Company; this was during the Winter of 1863-4, while the Legislature was in session; he had the Legislature up on the line of the railroad track on an excursion, and he was in a carriage at the head of the Legislative procession; I heard him order some men to tear the fences down on the line, which I had shortly before put up, which they did and the carriage train passed on through; I suppose I must have made repairs upon the rebuilt part of my fence so torn down as many as thirty or forty times, and perhaps more.

Butterfield was awarded damages of \$1,700 which were later reduced to \$1,000.

In 1867, again in the Placer County district court, D. C. Tarbell sued the Central Pacific for damages for being ejected from the cars.⁴⁹ Tarbell testified that he had boarded the regular passenger train at Auburn bound for Colfax, but had not had time to buy a ticket before the train left the station. After the train had been under way for a time, Denison, the conductor, appeared.

He said to me, "Your fare, sir."

I said, "I want to go to Colfax."

He said, "Two dollars."

I had greenbacks; I held them out to him; he turned them over with his fingers.

He said, "We don't take that kind of money."

I said I had nothing else to pay him.

He said he would have to stop the cars and let me off.

I told him I should not get off unless he put me off.

He touched the bell rope and the cars stopped; he took hold of my collar and kept hold until he got me to the back end of the car and shoved me off; Fogarty [the Roadmaster] was on the back end of the car; Denison gave me a jerk two or three times going to the door; I

held on to the seats to prevent being put off; after the cars started I jumped on to the lower step of the hind car, and asked Fogarty not to say anything; Fogarty called Denison, and he came back and took hold of my hand and put me off again; I did not fall down; it was a pretty rough place [a fill on the road about 10 feet high]; I grabbed for a rock and made a demonstration to throw it, but did not; I cannot judge how far I had been; I think four or five miles; I footed it back to Auburn.

Tarbell was awarded \$1,000 damages (which the supreme court reduced to \$100). In denying the defendant's motion for a new trial, the district court judge declared, "To stop a train of cars, and in the presence of the other passengers to forcibly and wrongfully eject a man therefrom, and leave him in a lonely spot by the wayside, is certainly to do him an injury which cannot be compensated by paying him what it will cost him to hire a carriage at the nearest town he can get to take him home."⁵⁰

The Central Pacific was the defendant in a sensational trial in the Sacramento district court in 1867 in which seventeen-year-old Frank Kline sued "for damages sustained to him by the said railroad cars running over his right leg, and damaging said leg so that it had to be amputated."⁵¹ The stakes of the contest were extremely high; on one side, adequate compensation for severe physical injury; on the other, the principle of discouraging personal injury suits lest the door be opened to constant harassment from that quarter. From the testimony of the case we get a graphic picture of the downward train from Colfax, with its passenger and baggage cars, slowing its speed as it entered the streets of Sacramento, and of the boys of Sacramento jumping on the cars for a ride down to Front Street. The latter practice had become so troublesome that the conductor, under strict orders to keep the boys off the cars, had stationed a man at the back of the train with a club for that purpose. Young Kline testified: "On the second day of May, 1866, I was living at the corner of 6th and F streets; the cars came along and I jumped on them; the conductor came out and said, 'where are you going,' and I had no more than said the words than he shoved me off the train—knocked me senseless; I was picked up with my leg cut off." After four years of litigation, Frank Kline was awarded damages of \$7,000. Much can be learned from these cases about the problems encountered in the establishment and running of a railroad, much about the rapid and sure growth of the railroad's unfavorable public image.

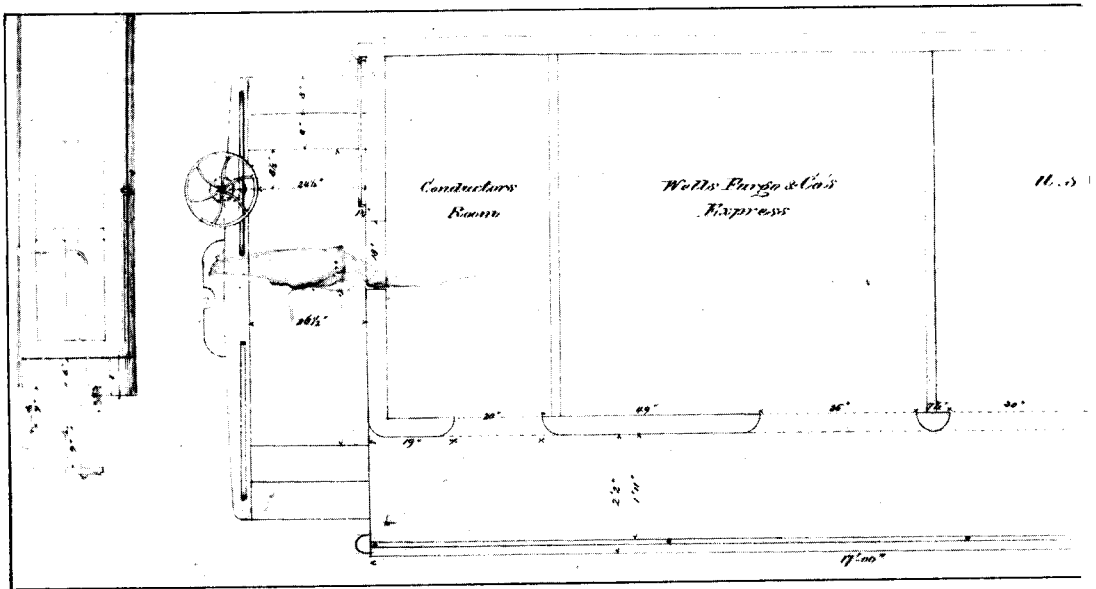
Local court files, as has been indicated, are full of information on the wages and prices prevailing at a particular place and time, mainly in the unpaid accounts sued on. We learn that in Sacramento, for instance, in the spring of 1849, one shovel cost \$5, ten pounds of sugar \$1.80, one sauce pan \$8, one bottle of ale \$2, one saw log, making 192 feet of lumber, \$115. In December, 1849, sold to the "log store house" in Auburn were 200 gallons of brandy which cost \$1,500, 2,044 lbs. of bread \$1,430, nine barrels of cornmeal \$790, nine barrels of flour (1,800 lbs.) \$1,440, 285 lbs. of sugar \$142; in January, 1850, freight costs for delivery of eight casks of pilot bread (206 cubic feet) from San Francisco to Sacramento ran \$206.⁵² In Humboldt County pay rates in the early 1850's were the following: wages of a carpenter and joiner, \$125 per month and board; the rate of hire for five yoke of working oxen with chains, sleds, yokes, and rigging necessary to carry on the business of logging, \$250 per month; for running a

raft of logs, measuring 75,000 feet, from Dailey's slough down to Eureka, \$5 per thousand feet; the miller's earnings at a local flour mill grinding fifty bushels of wheat, or ten barrels of flour, per twelve-hour day, one-seventh of the grain ground.⁵³ The deflation that followed the high times of the fifties is seen in Sacramento County's Franklin Township justice cases in the mid-sixties: tomatoes, cabbage, and onions sold at 1¢ a pound, wages dropped to \$30 per month.⁵⁴

The payroll of the Eagle Theater in Sacramento in the fall of 1849 as well as the hazardous character of gold rush theatrical undertakings are revealed in the several concurrent lawsuits brought against the theater's proprietors in November that year.⁵⁵ The actions resulted in an all-inclusive sheriff's sale to settle the many accounts due. Charles P. Price, who signed himself as "Manager Egal Theater," received \$1,650 for sixty-six days service at \$25 per day; V. Bona was paid \$733 for arranging and providing music; Henry Ray and wife received \$1,375 for performing three nights a week for five weeks at \$275 per week; J. Bowman Atwater claimed \$600 for six nights' acting but was awarded only half that amount; David Watson received \$448 for twenty-eight days' service as a stage carpenter at \$16 per day. Other accounts included lesser actors at \$60 per week including board, bartenders at \$12 per day, and several carpenters at \$16 per day. The theater, scenery, wardrobe, fixtures, and the lease for the ground on which the theater stood, with the privilege of entering through the saloon in front of the theater, went to S. Clinton Hastings and Samuel E. Bruce on a high bid of \$4,350. The saloon building in front of the theater with its entire stock of liquors, furniture, and fixtures and the lease for the ground on which the saloon stood were sold to William Hargrove for \$4,075. The sale receipts were entirely disbursed in liquidating the theater's debts.

The variety of money in circulation in California during the gold rush period is indicated by the probate file of the estate of Peter Slater, a Sacramento business man and proprietor of a ferry over the American River, who died in December, 1849.⁵⁶ The deceased's personal property included eleven U.S. and California eagles, fifty-five U.S. half-eagles, thirty U.S. one-fourth eagles, one U.S. dollar piece, thirty English sovereigns, three English half-sovereigns, nine French coins worth four dollars each, one Spanish coin worth four dollars, twenty Spanish coins worth \$16 each, fifty one-half ounces of silver coin, and 242 three-quarter ounces of gold dust.

As materials for studying less fortunate minority and ethnic groups, county court records exhibit in bold relief the social and economic discriminations commonplace at any given time. Clearly, the legal order long favored the interests of the ruling majority, and case files show how effectively the law could be employed for such purposes. No practice was more direct and decisive in that regard than the denial of procedural protection in the courts. The California *Statutes* of 1850 provided that in criminal trials "No black or mulatto person, or Indian, shall be permitted to give evidence in favor of, or against, any white person."⁵⁷ How this anti-witness, anti-testimony law worked in practice is shown by *People v. Potter*, a case brought before the Sacramento justice of the peace in December, 1850.⁵⁸ Sarah Carroll charged that William Potter had stolen \$700 in gold coin from her trunk. Potter was summoned to court for examination. The record shows the abruptness with which the action was settled "Defendant dis-



The Central Pacific was the defendant in a sensational trial in 1867. Young Frank Kline sued the railroad after the wheels of the car on which he was hitching (see diagram) ran over his leg, necessitating amputation.

charged he proving himself a white man & none but colored testimony against him.” Sarah Carroll was a Negro, Potter a white man; color alone gave him his defense. In *People v. Hall*, tried in the Nevada County district court in 1853, George W. Hall, on the testimony of Chinese witnesses, was found guilty of the murder of Ling Sing, “a Chinaman,” and sentenced to be hanged.⁵⁹ The supreme court, however, reversed the judgment and remanded the case on the grounds that the key testimony of the Chinese against Hall was inadmissible.⁶⁰ In this way the ban of the testimony law was extended to include the Chinese.

The foreign miners’ license tax proved an effective coercive instrument against miners lacking the majority status of United States citizenship.⁶¹ In the town of Sonora in Tuolumne County in 1850 and 1851, for example, Justice of the Peace Richard C. Barry examined and committed some 1,500 individuals who found themselves described as “State Prisoners (defalcators of the Foreign Miners’ Tax).”⁶² “Juan Valencia and ten Peons were arrested at Brown Flat & committed by Judge Barry,” reads one tabulation of the Sonora justice’s work.⁶³ Similarly, “Five Frenchmen arrested at or near Sullivans diggings & brot before Barry,” and “brought in seven Prussians and eight Sonora Indians before Judge Barry.”

The experience of Juan Bautista in a local Sacramento court in 1850 illustrates the procedural injustices that might befall a member of a minority group. “Said Juan Bautista,” according to a petition written on his behalf, “was arrested on a charge of Stealing a bag of onions valued at \$19.75 and was sentenced therefor to serve six months in the City Chain Gang, four of which he has already served, during which time he has conducted himself in a proper manner. At the time of trial the prisoner was, on account of poverty, unable to procure proper counsel, and labored under the further disadvantage of not knowing our language; and

moreover an impression was had, in error, by the City Recorder, that the prisoner was an old offender, and hence the severity of the Sentence."⁶⁴ Not one or two but three prejudicial elements had confronted and victimized the defendant. A long campaign lay ahead to square practice with principle in the observance of due process of law.

In the records are Chinese laundry cases and actions concerning the arrival of immigrants from China. There are also cases involving Indians, one of which was *People v. Pastorio*, heard in the Marin County district court in 1852.⁶⁵ Pastorio had killed a fellow Indian by the name of Tardeo. Sebastiano, chief of the Nicassio Indians, testified that Tardeo had been a bad man who quarreled a great deal: "He had a bad head." Armed with a sword on the fatal occasion, Tardeo had seemed bent on causing a disturbance. He had abused Pastorio. "Pastorio came to my house," the chief continued, "& said 'There is a dead man'. . . I told Pastorio to give me the sword but he said 'No, it was Tardeo's & now that I have killed him it is mine, I will go down to the Mission and let them kill me.'" The court sentenced Pastorio to be hanged, but upon a recommendation of mercy by the jury and the petition of a large number of state legislators, the governor granted a pardon.⁶⁶

Also in the court records are fugitive slave⁶⁷ and school segregation cases. In the case of *People v. Gammon* which came before the Sacramento probate court in 1864,⁶⁸ Daniel Blue declared under oath that

there is a female colored child by the name of Adda in this county of about twelve years of age now living with one Gammon about Sixteen miles down the Sacramento River . . . which child said Gammon has purchased for a valuable consideration as a slave from one Haden who brought said child from the State of Missouri as a slave about Eighteen months ago and said Haden has held said child in this State as a slave ever since her arrival here until a few days ago when said Haden sold her to said Gammon who now holds her as a slave.

The petitioner asked that Adda be brought before the court and a suitable person appointed as her guardian. The court examined the facts, under a writ of habeas corpus, and appointed a guardian for Adda to put an end to this particular case of Negro slavery in California.⁶⁹

While abrogations of due process abounded, steps were nevertheless frequently taken, even in the early years, to remedy procedural injustices. Counsel was appointed for indigent defendants; Spanish, French, and Chinese interpreters were hired.⁷⁰ The anti-testimony laws were eventually repealed, the limitation on Negroes in 1863, on Chinese and Indians in 1872.⁷¹ County court records show the evolution of due process and the gradual movement of the courts in the direction that would eventually place them in a position as leading champions of individual and minority rights.

The uses of local court records for biography and genealogy are fairly well known. However, depositions (testimony under oath in writing not taken in open court) sometimes took the form of straight-forward autobiography. In fact, John A. Sutter's deposition in July, 1850, for the Sacramento case of *Burnett v. Mayhall* is the earliest known autobiographical statement of any length on Sutter's early life in California.⁷² As a prominent and involved personage, Sutter was frequently asked to testify in the legal proceedings in which the early set-

tlers of the Sacramento country were involved. In 1857, for example, in the matter of the *Estate of William Daylor*, Sutter told how Daylor and Jack Smith had come up from San Francisco in 1840 and entered into his employ and how he had learned from Daylor that "he left his home in England when a very small boy, and had never returned to his native land. He had followed the sea most of his time, until he came to my employment."⁷³

In Honolulu in 1860, eighty-year-old Alexander Adams made a deposition for the Sonoma district court about his early visits to the Pacific coast.⁷⁴ "My first acquaintance with the North West coast of America," he stated,

was in the month of May in the year 1811. I went there with Captain Winship, in the ship "Albatross," carrying a party of Sandwich Islanders with the intention of establishing a trading settlement in Oregon. We were driven off from Columbia River, by the Indians, and came down the coast to California. We landed on the Farralone Islands, off San Francisco. The Country was at that time under the Spanish Crown. The Spaniards had no settlement, to my knowledge, farther North than San Francisco, at that time. The Indians were very numerous to the Northward. . . . I visited Bodega several times, up to the year 1815. . . . Bodega was pretty strongly fortified by the Russians. They had several Block-houses, mounting cannon; and they had also a strong battery of 18 pounders, on a bluff, which commanded the entrance from seaward.

Usually, however, a deposition took the character of short questions and answers, as illustrated by Hiram Grimes' testimony in a Sacramento case in 1854 concerning his uncle, Eliab Grimes. Grimes was the original owner of Rancho del Paso, the great Mexican land-grant estate just to northeast of Sacramento City.⁷⁵

Question. Had he [Eliab Grimes] any relative living except yourself? If yea state who they were.

Answer. Yes, he had other relations, his Sister, Nabby Bulkeley, his brother William's heirs, his brother William being dead, Nathan Grimes his brother also, My father Thaddeus Grimes was living also.

Question. In what Country were you born, in what year? Were your parents natives or citizens of that Country?

Answer. I was born in Littlebon Massachusetts, in 1813. My parents were natives of Massachusetts.

Question. In what year did you come to this Country?

Answer. In 1847.

Question. At what time did Eliab Grimes move to the territory of Mexico? Where was he born? Were his parents natives of the same country?

Answer. He came out on the Pacific Coast, I think in 1808, went to China and different points on the Coast. He remained in the Sandwich Islands from 1829 to 1842 when he came here to reside. He was born in Massachusetts, his parents were natives of the same State.

Question. When & where did he die and at what age?

Answer. He died in San Francisco November 7th 1848. About sixty-nine years of age.⁷⁶

The chronology of the three marriages of Walter Pomeroy, who died in Sonoma County in 1859, and the names of his wives and children, a record that might be difficult to reconstruct from registers of vital statistics alone, are set forth in a district court case in 1860.⁷⁷ Walter Pomeroy had married Mary Acton in Ohio in 1821 and after her death in 1827 had married Elizabeth Crush in the same state a year later. Three children were born to the first marriage, five to the second. In 1855, in the county court of Cook County, Illinois, Pomeroy had

brought an action of divorce against his second wife, the decree for which was not issued until 1860. Meanwhile in 1843, in far-off Oregon Territory, Pomeroy had married Jane Taylor, a marriage which the territorial legislature in 1856 declared to be good and valid in law.⁷⁸ Pomeroy's death brought a lawsuit to determine the rights of the heirs which made necessary a diligent effort to untangle the complicated family history.

Aspects of the domestic relations of Victor and Theodocia Prudon of Rancho Laguna de San Antonio in Sonoma and Marin counties, who had married at Mission Santa Clara in 1839, are recorded in the 1858 Sonoma County action of *Prudon v. Prudon*.⁷⁹ The bad luck, or lack of skill, of poker-playing Joseph Hooker, who a decade later as Major General "Fighting Joe" Hooker commanded the Army of the Potomac, is attested by Hooker's promissory notes in the amount of \$484 and \$3,370 which he gave in Sonoma County in 1853 to cover losses suffered at cards and then avoided paying by pleading "no consideration" when sued in the local district court.⁸⁰ The tough old pioneer George Yount was more successful in holding Hooker to a promissory note, but he, too, had to go to law before he could recover the principal of \$1,400 and the \$842 interest that Hooker owed him.⁸¹

The wills, the inventories and appraisements of real and personal property, and the decrees of distribution and discharge that accumulate in the probate case files in the course of the administration of decedents' estates are familiar items to most biographers and genealogists. The case of Henry Gleason, a soldier, age fifty, who died at Fort Gaston in Humboldt County in 1879, provides an idea of what a probate file might offer.⁸² The inventory of Gleason's estate, for instance, details the personal possessions of a career soldier at a frontier military

HABEAS CORPUS.

State of California,
City and County of Sacramento.

In the County Court of the City and County of Sacramento.

The People of the State of California.

To *Unsubscribed*

Greeting:

We Command You, that you have the body of *Adda*,
W. Leland Spradell, Clerk by you imprisoned and detained, as it is
said, together with the time and cause of such imprisonment and detention, by whatsoever
name said *Adda, W. Leland Spradell, Clerk* shall be called, or charged,
before the Hon. *W. Leland Spradell, Clerk* at *Sacramento, Cal.*
on the *29* day of *July* A. D. 186*7* at *10* o'clock *A. M.* of
that day, to do and receive what shall then and there be considered concerning the said
Adda (W. Leland Spradell, Clerk)
And have you then and there this writ.

By Order of *Wm. Leland Spradell, County Judge*.

Witness, the Hon. *W. Leland Spradell*,
Judge of the *County* Court aforesaid, with
the Seal thereof hereto affixed, this *24th*
day of *September* A. D. 186*7*.

ATTEST

Samuel J. ... Clerk.

By *...* Deputy Clerk.

Slavery in California was
the issue of this 1864 Habeas
Corpus for the release of
Adda, a young black girl who
had been purchased in
Missouri, taken to California,
and subsequently sold to an
individual named Gammon.
After a petition, by one
Daniel Blue, the Sacramento
probate court examined the
facts and appointed a
guardian for Adda.

post, and, perhaps, affords a glimpse of the ordered, efficient proprietor of one sewing awl, one buttonhook, one clothes brush, one whisk broom, one box shoe-blackening, and one looking glass. Of interest is the spare, but adequate supply of soldier's dress—woolen shirt, pants, blouse, and cap—and the complementary civilian dress of a suit of clothes, three white shirts, four collars, two black silk bows, and a Panama hat. Gleason is recorded to have been the affluent holder of a mortgage on the Fort Gaston Hotel and of a \$2,000 note secured by other Humboldt County property. Moreover, he owned two cows and was the employer of a Chinese cook. Gleason's will provided that the estate's proceeds should go to his daughter in Germany. The file contains the original document, attested by the Deputy United States Consul at Hamburg, Germany, by which Hedwig Louise Minna Glaser, legatee, on October 23, 1879, appointed the Imperial German Consul at San Francisco as her attorney to receive the bequest.

Mary Lee, slain in Sacramento in 1853 by the bowie knife of a fellow prostitute, left an estate, the probate record shows, consisting of white window curtains, two leather trunks, a few pieces of jewelry, \$1,520 on deposit with Page, Bacon & Co., and a resplendent wardrobe which included eleven chemises, twenty-one skirts, thirty-one dresses (linen, muslin, gingham, merino, wool, green brocade, pink brocade, purple brocade, lead colored satin, black silk, pink silk, plaid silk, yellow silk), a red jacket, and a white silk cape.⁸³ The record further shows that Mary Lee was actually Mary Butler, daughter of Michael and Hannora Butler of New Orleans and a native of County Clare, Ireland. She had changed her name to Lee at Mistress Ann Woods' house in New Orleans, prior to her departure for California.

(Continued in Winter, 1973 issue)

NOTES

1. The writer gratefully acknowledges the work of J. P. Jordan, J. E. Morgan, and D. L. Snyder in arranging and indexing the lower court files in the California State Archives. For an introductory statement on the research value of legal records, see Seymour V. Connor, "Legal Materials as Sources of History," in *American Archivist*, 23: 157-65 (April, 1960). The views of a number of American historians on the value of court records as source material are noted in Walter Rundell, Jr., *In Pursuit of History: Research and Training in the United States*, 142-46 (Norman, Oklahoma, 1970). "A recent surge of interest in legal records," Rundell writes, "indicates that historians have become aware that these sources may yield data for a wide variety of subjects." The English legal historian, T. F. T. Plucknett, wrote in 1947, "The present trend of medieval studies is happily in the direction of increased use by historians of legal materials as a source for constitutional, economic, and general history, and it is much to be hoped that they will extend their curiosity to the law itself." S. F. C. Milsom, "Theodore Frank Thomas Plucknett, 1897-1965," in *Proceedings of the British Academy*, 60: 516 (London, 1965), quoting from Plucknett's Ford Lectures in 1947 on the legislation of Edward I. For an example of extensive and effective use of court records (those of the English courts of quarter sessions) in the writing of social and cultural history, see Carl Bridenbaugh, *Vexed and Troubled Englishmen, 1590-1642* (New York, 1968). David H. Flaherty, in "An Introduction to Early American Legal History," in Flaherty, ed., *Essays in the History of Early American Law*, 32 (Chapel Hill, N. C., 1969), writes that "one can easily belabor the need to study and utilize court records. Yet the opportunities and sources are so great as to make this danger a negligible one, for the fact remains that few court records have ever been employed in analytical and general studies."

2. The organization, powers, and duties of the state's lower courts were first defined in the Constitution of 1849, Article VI, and in *Cal. Stats.* (1850), justice of the peace, 179-88; county court, 203-05, 217, 218; court of sessions, 210, 211; probate court, 217; district court, 93-6. The four other courts of justice during early statehood were the supreme court, the superior court of the city of San Francisco (1850-57), the recorder's court (1850-63), and the mayor's court (1851-63). Prior to statehood the most common court in California was that of the alcalde, with the court of the first, or ranking, alcalde in a district being called the court of the first magistrate. In the fall of 1849, under the direction of the civil governor, Brigadier General Bennett Riley, courts of first instance were established in the districts, one with civil jurisdiction, another with criminal jurisdiction. The pre-statehood courts remained operative until the courts established by the legislature began to function in May, 1850. The district courts were gradually increased in number from eight in 1850 to twenty-three in 1878, necessitating repeated changes in their geographic jurisdiction. With the adoption of the Constitution of 1879, the county and district courts disappeared, and a superior court was installed in each county in their place. The district courts and the courts of the justice of peace, though not "county courts," are included in this survey because they operated in every county. For an excellent account of the evolution of the California courts, see William Wirt Blume, "California Courts in Historical Perspective," in *Hastings Law Journal*, 22: 121-96 (November, 1970). A summary of the organization and powers of the county courts is found in Owen C. Coy, *Guide to the County Archives of California*, 16-19 (Sacramento, 1919).

3. The jurisdiction of each of the courts should be briefly noted. The justice of the peace had both civil and criminal jurisdiction. During most of the period, his civil jurisdiction was limited to actions in which the amount claimed did not exceed \$200; criminal jurisdiction included petty larceny, assault and battery, breaches of the peace, willful injury to property, and all misdemeanors punishable by a fine not exceeding \$500, or imprisonment not exceeding three months, or both. The county court initially (1850-63) had only civil jurisdiction; it exercised original jurisdiction in such matters as enforcement of mechanic's liens and abatement of nuisances, but had as its principal work the trial of appeals from the civil judgments of the justices of the peace and the recorder's courts. The county court also sat as a probate court for settling estates and appointing and supervising guardians. The court of sessions, which was composed of the county judge and two justices of the peace, had only criminal jurisdiction; it heard appeals from the justice's courts in cases of a criminal nature and had original jurisdiction to try indictments for all public offenses except murder, manslaughter, and arson. The court of sessions was abolished in 1863 and its criminal jurisdiction assigned to the county courts. The district court, the highest trial court in the county, was a state circuit court whose district usually included two or more counties, with the court sitting in the constituent counties in accordance with a statutory schedule. The district courts had original jurisdiction in law and equity in all civil cases where the amount in dispute exceeded \$200, and in all criminal cases not otherwise provided for. In cases involving the title or possession of real property, and in all issues of fact joined in the probate court, the district court's jurisdiction was unlimited. The district court's appellate jurisdiction extended to appeals from the judgments of the county courts, probate courts, and the courts of sessions.

4. The county clerk was ex officio clerk of all county courts, except the court of the justice of the peace, and was custodian of the county court records. Coy's *Guide to the County Archives of California* (Sacramento, 1919) provides a still useful inventory of the records of the 1850-79 period as they existed in the county courthouses in 1916-17. In the years since Coy's study, however, changes have occurred in the location and condition of the records of many counties. The county courthouse remains the primary place of deposit for county court records, but important collections have been transferred elsewhere; those for Sacramento County for the period 1850-79, for example, are now in the California State Archives (CSA), Sacramento.

5. Zechariah Chafee, Jr., in a discussion of court records, states, "I want to stress the great value of such records as a source for social history. . . . Law-suits about contracts and private wrongs and criminal prosecutions for small offenses often tell a great deal about the way men and women lived and the transactions they carried on." Zechariah Chafee, Jr., "Colonial Courts and the Common Law," in David H. Flaherty, ed., *Essays in the History of Early American Law*, 82 (Chapel Hill, N. C., 1969).

6. *People v. Harris*, Court of Sessions, Sacramento County, No. 78. Unless otherwise noted, all citations of legal actions herein refer to unbound case files in the collections of the California State Archives (CSA), Sacramento.

7. *State v. Jaretsky & Friedlander*, Court of Sessions, Sacramento County, No. 77.

8. *People v. Holliman*, Court of Sessions, Sacramento County, No. 169. In 1855 the counterfeiting of any kind or species of gold dust, gold bullion or bars, lumps, or pieces or nuggets of gold was made a felony punishable by imprisonment in the state prison for a term of from one to fourteen years. *Cal. Stats.* (1855), 178.

9. "Affidavit," July 5, 1850, *People v. ———*, Justice of the Peace, Sacramento City.

10. "Complaint of A. B. Caldwell," Aug. 9, 1850, "Affidavit," Aug. 11, 1850, *People v. John Doe et al.*, Justice of the Peace, Sacramento City.

11. "Affidavit," Sept. 28, 1850, *People v. Lose*, Justice of the Peace, Sacramento City.

12. *Underwood v. Underwood*, 8th District Court, Humboldt County, No. 3.

13. The California divorce law of 1851 provided that the district courts should have exclusive jurisdiction to grant divorces. Grounds for divorce were natural impotence, minority, adultery, extreme cruelty, habitual intemperance, desertion, willful neglect, consent obtained by force or fraud, and conviction for a felony. *Cal. Stats.* (1851), 186, 187.

14. *Rhoads v. Rhoads*, 7th District Court, Sonoma County, Old Ser., No. 712.

15. *Evans v. Evans*, 2nd District Court, Lassen County, in "Transcript on Appeal," Supreme Court, No. 2511 (966), 67. In citations of supreme court cases the first number is the court file number; the second, in parentheses, is the state archives file number.

16. *Wallace v. Wallace*, 7th District Court, Sonoma County, Old Ser., No. 846.

17. *Dixon v. Dixon*, 7th District Court, Marin County, Misc. Files, No. 85.

18. *Asbury v. Asbury*, 7th District Court, Sonoma County, Old Ser., No. 869.

19. Joseph H. Smith, ed., *Colonial Justice in Western Massachusetts (1639-1702): The Pyncheon Court Record*, 252, 324 (Cambridge, Mass., 1961).

20. *People v. Brannan et al.*, Court of Sessions, Sacramento County, No. 1.

21. *People v. Seymour alias Smith*, Court of Sessions, Sacramento County, No. 276; 6th District Court, Sacramento County, 2nd Ser., No. 1330. In Sacramento in December, 1855, Ida Vanard knifed one man and shot another because they refused to treat to champagne at her place of business on 4th Street. The house motto, Ida said, was: "Treat, trade, or travel." *People v. Vanard*, Court of Sessions, Sacramento County, Nos. 638, 642.

22. *People v. Seymour*, 6th District Court, Sacramento County, Criminal, No. 65.

23. *People v. Hopkins*, 6th District Court, Sacramento County, Criminal, No. 63. Not until 1855 was an act passed "To suppress houses of Ill-Fame." Keepers and residents of such houses were made subject to a misdemeanor conviction punishable by a jail term not exceeding six months or a fine not exceeding \$500, or both, at the court's discretion. *Cal. Stats.* (1855), 76.

24. *People v. Owners & Occupants of the "Shingle" House*, Oct. 25, 1850, Recorder's Court, City of Sacramento.

25. *People v. Scott*, Aug. 11, 1850, Justice of the Peace, Sacramento City.

26. *People v. John Doe alias Wright et al.*, Nov. 1, 1850, Justice of the Peace, Sacramento City.

27. *People v. Barnard*, Sept. 6, 1850, Justice of the Peace, Sacramento City.

28. *Shacklett v. Dollarhide*, Court of First Magistrate, District of Sacramento, Territory of California, Civ. No. 46; *Record-First Magistrate*, Aug. 2-Nov. 6, 1849, District of Sacramento, 23, CSA.

29. *Childs v. McPike & Strother*, County Court—Civil, Sacramento County, No. 127; *County Court Records, Civil & Criminal*, Sacramento County, A, 130, CSA.

30. *Hooper v. Rising Sun Mining and Trading Association*, Court of First Instance, District of Sacramento, Civ. No. 98; *Record—First Magistrate*, Aug. 22-Nov. 6, 1849, District of Sacramento, 50, 51, CSA; *Court of First Instance, Criminal*, District of Sacramento, 2, CSA.

31. *Boune et al. v. Mesick et al.*, Court of First Instance, District of Sacramento, Civ. No. 569.

32. *Ketcham v. Carman*, Court of First Instance, District of Sacramento, Civ. No. 321.

33. "Petition for Dissolution of a Copartnership," Dec. 6, 1849, *Boune et al. v. Mesick et al.*, loc. cit.

34. *Williams v. Sandford*, Court of First Instance, District of Sacramento, Civ. No. 468. Williams, however, was awarded \$1,767 damages for Sandford's refusal to release the goods to him in California.

35. *Morse & Stillman v. Steamer McKim*, Court of First Instance, District of Sacramento, Civ. No. 387; *Judgment Book*, Court of First Instance, District of Sacramento, 160, CSA. Butler's bill, for thirty-eight days in the hospital's main ward at \$10 per day, amounted to \$380.

36. *Sonnichson v. Brown, et al.*, 8th District Court, Humboldt County, No. 5.

37. *Dye v. Bayley*, Court of First Instance, District of Sacramento, Civ. No. 405; *Dye v. Bailey & Winters*, 11th District Court, El Dorado County, in "Judgment Roll," Supreme Court, No. 404 (1469).

38. *Petit v. Dewey & Smith*, Court of First Instance, District of Sacramento, Civ. No. 381.

39. *Mayor & Common Council of the City of Sacramento v. Kirk et al.*, (1856), 6th District Court, Sacramento County, 2nd Ser., No. 2350.

40. *Wilson & Wilson v. Lassen & Gerke*, 4th District Court, San Francisco, in "Transcript on Appeal," Supreme Court, No. 557 (1884). The case was transferred from the 9th district court, Butte County, to the 4th district court, San Francisco, on the grounds that the judge of the 9th district was "disqualified from trying this cause."

41. *Muldrow v. Norris*, 6th District Court, Sacramento County, 1st Ser., No. 474.

42. *Young v. Starkey et al.*, Superior Court of the City of San Francisco, in "Transcript on Appeal," Supreme Court, No. 24 (162).

43. *Fulton & White v. Dring*, Superior Court of the City of San Francisco, in "Transcript of Record on Appeal," Supreme Court, No. 50 (6159).

44. *Lurvey v. Wells, Fargo, et al.*, 6th District Court, Sacramento County, 2nd Ser., No. 1024.

45. *Estate of James E. Birch, Deceased*, Probate Court, Sacramento County, No. 416, Vouchers File B, No.'s 6, 2, 13, 8.

46. *Sacramento Valley Railroad v. Moffat et al.*, 6th District Court, Sacramento County, 2nd Ser., No. 2388. This case is listed in the plaintiff index as "Sacramento Valley Railroad, In the Matter of Application."

47. *People v. C.P.R.R. Co. et al.*, 14th District Court, Placer County, in "Transcript on Appeal," Supreme Court, No. 1494 (17220), 42. Extracts from this case and the following two cases appear in W. N. Davis, Jr. and George Hruneni, eds., "The Company Played Rough: The Hard Side of the Big Four and the Central Pacific R. R. Co.," Sacramento County Historical Society *Golden Notes*, 15 (July, 1969).

48. *Butterfield v. Central Pacific Railroad Co. of Cal.*, 14th District Court, Placer County, in "Transcript on Appeal," Supreme Court, No. 1837 (15683), 16, 17.

49. *Tarbell v. Central Pacific R. R. Co.*, 14th District Court, Placer County, in "Transcript on Appeal," Supreme Court, No. 1442 (16822), 12, 13.

50. *Ibid.*, 24, 25.

This promissory note was signed by John A. Sutter two years before he arrived in California. After establishing himself in the state, he was frequently asked to testify in legal proceedings involving early settlers in the Sacramento area.

1111 04
 Given before me the 11th April 1858
 to pay James A. Sutter the sum of One Thousand
 and Sixty Dollars \$1060.00 for the value of the
 property he has sold after the 25th Decr 1855 with
 interest as before by him the 17th Aug 1858
 J. A. Sutter
 1858.03

51. *Kline v. Central Pacific Railroad Company of California*, 6th District Court, Sacramento County, in "Transcript on Appeal," Supreme Court, No. 1836 (15864), 2, 8, 9.

52. *Sagat & Southward v. Murray*, Court of First Instance, District of Sacramento, Civ. No. 335; *Hampton v. Niles & Co.*, Court of First Instance, District of Sacramento, Civ. No. 284; *Harrison v. Nathan*, Court of First Instance, District of Sacramento, Civ. No. 447; *Peterson v. McNulty*, Court of First Instance, District of Sacramento, Civ. No. 422. At Barnes Bar on the North Fork of the American River in November, 1849, 600 pounds of flour sold for \$300, and pork was worth \$1.25 per pound. *Bristol v. Potter & Brown*, Court of First Instance, District of Sacramento, Civ. No. 418.

53. *Bedell v. Stetson & Sheldon*, County Court—Civil, Humboldt County, No. 4; *Cooper v. Truesdell & Janes*, 8th District Court, Humboldt County, No. 43; *Armstrong v. Dailey*, County Court—Civil, Humboldt County, No. 22; *McRae v. Titlow & Seright*, County Court—Civil, Humboldt County, No. 27.

54. *Hack v. Mayberry & Sullivan* (1865) and *Smith v. Jeter* (1864), Justice of the Peace, Franklin Township, Sacramento County.

55. *Jones et al. v. Hubbard, Brown & Co.*, Court of First Instance, District of Sacramento, Civ. No. 188; *Record, First Magistrate, Aug. 2-Nov. 6, 1849*, District of Sacramento, 96, ff., CSA.

56. *Estate of Peter Slater*, Probate Court, Sacramento County, No. 6. The coins and gold dust were appraised as worth \$4,907.96.

57. *Cal. Stats.* (1850), 230. Further, the act of 1850 regulating proceedings in civil cases provided that, "No black, or mulatto person, or Indian, shall be permitted to give evidence in any action to which a white person is a party, in any Court of this State." *Cal. Stats.* (1850), 455.

58. *People v. Potter*, Dec. 12, 1850, Justice of the Peace, Sacramento City. For background and for facsimiles of documents of this case, see David L. Snyder, *Negro Civil Rights in California: 1850* (Sacramento Book Collectors Club, Special Publication No. 10, Tamalpais Press, 1969).

59. *People v. Hall*, 10th District Court, Nevada County, in "Transcript on Appeal," Supreme Court, No. 255 (7158).

60. The supreme court declared that "the name of Indian, from the time of Columbus to the present day, has been used to designate, not alone the North American Indian, but the whole of the Mongolian race" and further that the word "white" in the statute was to be understood in its generic sense; therefore the testimony of the Chinese witnesses was inadmissible. 4 *Cal. Repts.* (1854), 399-405.

61. "No person who is not a native or natural born citizen of the United States, or who may not have become a citizen under the treaty of Guadalupe Hidalgo (all native California Indians excepted), shall be permitted to mine in any part of this State, without first having obtained a license so to do according to the provisions of this Act." *Cal. Stats.* (1850), 221. The fee for a foreign miner's tax was originally \$20 a month. The 1850 law having been repealed in 1851, a new law in 1852 set the fee at \$3 per month, which was increased the next year to \$4 per month. *Cal. Stats.* (1851), 424; (1852), 84; (1853), 62. During the twenty years the state collected the foreign miners' tax; receipts totaled more than \$5,000,000. For the legislative history of the foreign miners license tax, see William C. Fankhauser, *A Financial History of California*, University of California Publications in Economics, Vol. 3, No. 2 (Berkeley, 1913), pp. 135-37, 159, 160, 199, 200. M. Dillon, French consul at San Francisco, protested to the governor in September, 1850, that the foreign miners' tax collector in Butte County "had deprived two of my fellow-citizens, named Dumaulin and Constant, of their personal liberty, and dragged them off, with violence, towards Marysville,—although they were confessedly unable to pay the tax,—having just then come into the district of Grass Valley." Dillon to D. F. Douglass of the Senate Committee to examine into the official conduct of Mr. Adams, dated San Francisco, Mar. 15, 1851, Legislative Papers LP 1:1834, CSA. Joseph Williams, foreign miners' tax collector in Sierra County in 1855, advised the legislature that he had been "stopped by two Mexicans and robbed of the sum of nine hundred and sixty dollars." Petitions to Legislature, 1856-(2), CSA.

62. "Memorial of Richard C. Barry to State Legislature," Mar. 2, 1855, in "Petition of

Harriet Barry with accompanying papers," Feb. 8, 1858, Petitions to Legislature, 1858-(26A) CSA. H. H. Bancroft, *California Inter Pocula* (San Francisco, 1888), 630-33, presents some extracts from Justice Barry's docket.

63. "Statement of Dennis Gahagan," Apr. 3, 1854, Petitions to Legislature, 1858-(26A), CSA.

64. W. S. White, Samuel Deal, et al., to Gov. John Bigler, dated Sacramento, Apr. 8, 1852, Governor's Prison Papers, No. 733, CSA.

65. This testimony is recorded in a communication of Judge Robert Hopkins, 7th District Court, Marin County, to Governor John Bigler, dated April Term, 1852, in "Proceedings in case of Pastorio, an Indian convicted in Marin County of Murder," Governor's Prison Papers, No. 679, CSA; see also *Minutes of District Court, 1850-57*, Marin County, 38, 39, 41-43, CSA.

66. Governor's Prison Papers, No. 679, CSA. Jurisdiction in all cases of complaints by, for, or against Indians and authority to approve the indenturing of Indian children and the contracting of Indian labor were given to the justices of the peace. *Cal. Stats.* (1850), 408-10. Authority "to bind and put out" Indian apprentices was transferred to the county and district judges in 1860 and abolished in 1863. *Cal. Stats.* (1860), 196, (1863), 743. Illustrative of the operation of this law, in March, 1861 William Moorhead, proprietor of a Sacramento livery stable, petitioned the county judge for the indenture of a fifteen-year-old Indian boy named Bill, formerly of the "Cottonwood" tribe, "until he shall attain to the age of thirty." "William Moorhead to Hon Robert Robinson," Mar. 4, 1861, County Court, Sacramento County, Misc. The petition of L. Harris to the same court in January, 1862, stated that the Indian boy, Frank, who was about to be discharged from the county jail, had no settled habitation or means of livelihood and therefore asked that the boy be apprenticed to the petitioner "to learn the business or occupation of a household servant." "In the Matter of the Indian Boy Frank," Jan. 28, 1862, *loc. cit.*

67. Under "An Act Respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union," *Cal. Stats.* (1852), 67-69, A. G. Perkins petitioned for and was granted a certificate by the Sacramento justice of the peace in June, 1852, authorizing him to remove from California to Mississippi three Negro "slaves," Robert Perkins, Carter Perkins, and Sandy Jones, who had been brought to California prior to the state's admission into the Union and were now deemed "fugitives from labor." "Proceedings before B. D. Fry, Justice of the Peace, Sacramento County," May 31, 1852, and "Opinion of Murray, C. J.," in *In the Matter of Carter Perkins on Habeas Corpus*, Supreme Court, No. 322 (3285); *People v. Gammon*, Probate Court, Sacramento County, No. 757. For a view of the "remarkable continuance of slavery" in the free state of California, see Clyde A. Duniway, "Slavery in California After 1848," in *Annual Report of the American Historical Association, 1905*, I: 243-48 (Washington, D.C., 1906).

68. "Petition of Daniel Blue for Guardianship," Feb. 24, 1864, *People v. Gammon*, Probate Court, Sacramento County, No. 757.

69. *Minutes*, Mar. 8, 1864, Probate Court, Sacramento County, D, 252, CSA.

70. The defendant was provided with both interpreter and counsel in *People v. Sylvis*, Court of Sessions, Marin County (Apr. 19, 1852), *Minutes, 1851-56*, CSA. William Watson in July, 1851, was allowed \$144 for serving nine days as a Spanish interpreter in the Sacramento County justice courts. *Record Criminal*, Court of Sessions, Sacramento County, 123, CSA. In *People v. Hall* (in the Nevada County district court in 1853), in which several Chinese testified for the prosecution, Rev. William Speer and Ha Cheen were sworn to interpret the Chinese into English and the English into Chinese. "Transcript on Appeal," Supreme Court, No. 255 (7158). Some of the practical difficulties in this area are indicated in District Judge Robert Hopkins' denial of the Indian Pastorio's motion for a new trial: "The Court gave the prisoner all the benefit of Counsel the circumstances would allow. Two attorneys declined to accept the defence and the only one present who would accept was appointed. . . ." *Minutes of District Court, 1850-57*, Marin County, 42, CSA. When Encarnación Salcido was brought before the Sacramento recorder's court in July, 1851, on a charge of assault with intent to kill, the court ordered that he be brought to trial, noting, "Deft being a Mexican and not being able to speak the English an Interpreter was called who could do but little better, but the court could make out that the deft claimed to be attacked by the witness L G Green and that he

only acted in self defense." *People v. Salcido*, Court of Sessions, Sacramento County, No. 174. The legislature provided in 1853 that every written proceeding in a court of justice should be in the English language, with the exception that "In the counties of San Luis Obispo, Santa Barbara, Los Angeles and San Diego, the proceedings may be in the English or Spanish languages." *Cal. Stats.* (1853), 305.

71. In 1855, the act of 1850 for the government and protection of Indians was amended to provide that "in all cases arising under this Act, Indians shall be competent witnesses, their credibility being left with the jury." *Cal. Stats.* (1855), 179. In 1863 the prohibition against Negro witnesses was removed, the restrictions being maintained for Mongolians, Chinese, and Indians. *Cal. Stats.* (1863), 60, 69. The new *Code of Civil Procedure* (Sacramento, 1872), 493, 494, and *Penal Code* (Sacramento, 1872), 273, removed the remaining prohibitions against Indian and Chinese witnesses. See James A. Fisher, "The Struggle for Negro Testimony in California, 1851-1863," in *Southern California Quarterly*, LI: 313-24 (December, 1969).

72. *Burnett et al. v. Mayhall et al.*, 6th District Court, Sacramento County, 1st Ser., No. 512. Sutter's deposition has been published in W. N. Davis, Jr., ed., "Additional Light on Sutter: A Selection of Hitherto Unpublished Sutter Items," Sacramento County Historical Society *Golden Notes*, 14 (January, 1968). A promissory note for \$1010.54 that Sutter signed on July 17, 1837, two years before he came to California, is filed in *Lucas & Kavanaugh v. Sutter*, 6th District Court, Sacramento County, 1st Ser., No. 93.

73. "Affidavit of Sutter," Dec. 7, 1857, *Estate of William Daylor*, Probate Court, Sacramento County, No. 82.

74. "Deposition of Alexander Adams," Aug. 15, 1860, *Curtis v. Sutter et al.*, 7th District Court, Sonoma County, Old Ser., 914-(126, 127).

75. *Norris v. Howell*, 6th District Court, Sacramento County, 2nd Ser., No. 2183.

76. *Loc. cit.*

77. *Pomeroy v. Dennis alias Pomeroy*, 7th District Court, Sonoma County, Old Ser., No. 242.

78. "Answer of Jane Pomeroy," Dec. 28, 1860, *Pomeroy v. Dennis alias Pomeroy; Laws of the Territory of Oregon, 1855-56*, 97 (Salem, 1856). At the request of interested settlers, the Oregon territorial legislature enacted many special laws for the purpose of removing doubts as to the legality of marriages.

79. *Prudon v. Prudon*, 7th District Court, Sonoma County, Old Ser., No. 725.

80. *Nugent v. Hooker*, 7th District Court, Sonoma County, Old Ser., No. 742; *Cooke v. Hooker*, 7th District Court, Old Ser., No. 623. In April, 1861, as the North-South controversy deepened, Hooker applied for appointment to the office of California state adjutant general. Hooker wrote, "I have carried a willing sabre on many a well fought field & I expect to do so again, ere my race is run. I may be an indifferent soldier but am good for nothing else." He had submitted his name "only in view of something better hereafter, growing out of the distracted condition of our National affairs." Hooker to Colonel Thos. Hayes, dated San Francisco, Apr. 22, 1861, Military & National Guard, Jan.-Aug. 1861, Box 3, CSA. Hayes endorsed Hooker's letter and forwarded it to Governor Downey.

81. *Yount v. Hooker*, 7th District Court, Sonoma County, Old Ser., No. 839. In *Albertson v. Hooker*, 7th District Court, Old Ser., No. 684, Hooker was required to pay a judgment of \$1,021 to Albertson for delivery of 884 cords of wood from the embarcadero at Sonoma to the government wharf at Benicia.

82. "Estate of Henry Gleason," Probate Court, Humboldt County, No. 58. Gleason's name originally was Herman Glaser.

83. "Estate of Mary Lee," Probate Court, Sacramento County, No. 227; Sacramento *Daily Union*, October 22, 1853, pp. 2, 3.

REVIEWS

Charles Wollenberg, *Reviews Editor*

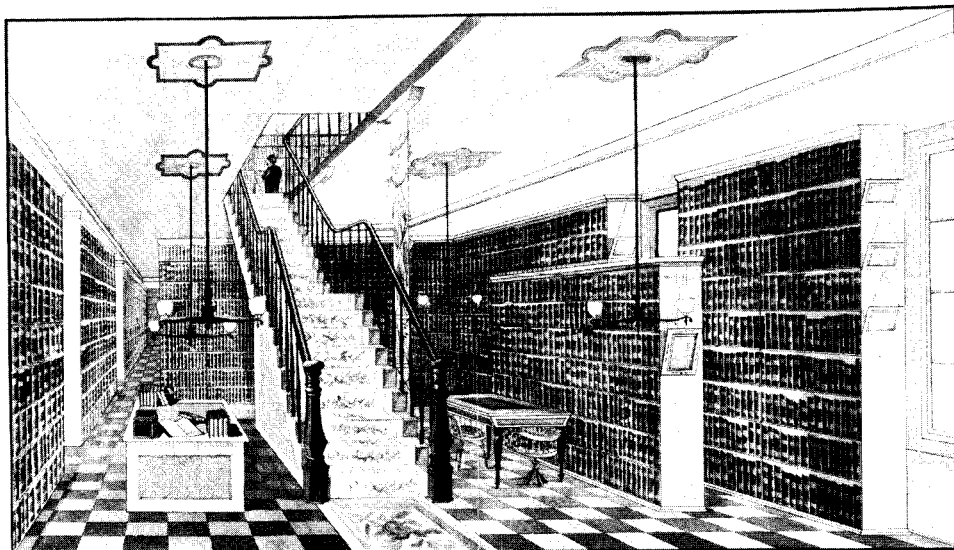
Library Resources: The Bancroft Library— Then and Now

ROBERT H. BECKER, *associate director of The Bancroft Library.*

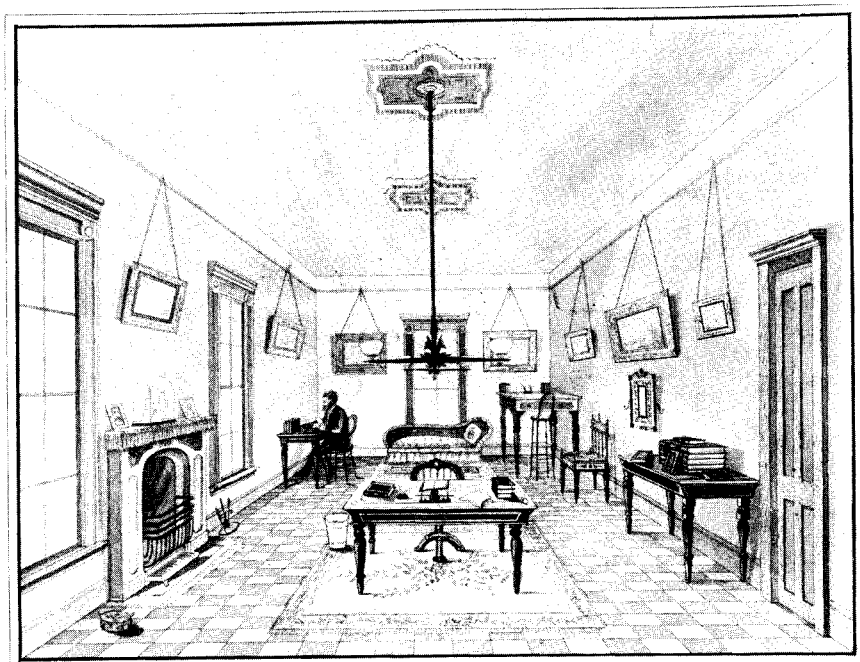
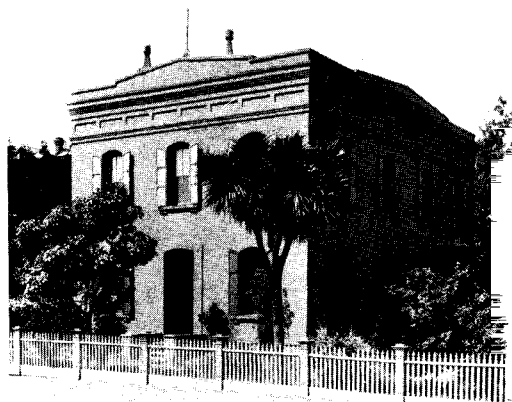
IN THE HISTORY OF BERKELEY'S WORLD-FAMOUS BANCROFT LIBRARY, May 6, 1973, marked a significant day: it was the occasion of the formal opening of totally new and greatly expanded facilities for research and of recognition of the library's wider responsibilities within the University of California campus community. Traditionally, as the library's founder, Hubert Howe Bancroft, determined more than a century ago, The Bancroft Library has focused its collecting on the history of western North America. Within the past few years, however, the library's scope has widened to include several divisions, of which the old Bancroft Collection is but one. The library now includes the Rare Books Collection (formerly part of the General Library), thereby bringing together and preserving much of the special library materials of the larger Berkeley campus—from an ancient Hebrew commentary on the Pentateuch to modern first editions, from monastic writings of the Middle Ages to the letters, manuscripts, and printed works of D. H. Lawrence and Stephen Spender. Another library division consists of the Mark Twain Papers, the world's most comprehensive collection of the manuscripts, notebooks, correspondence, and memorabilia of one of America's major authors. The Regional Oral History Office, following a well-established Bancroft tradition, has been created to record the living memories of present community leaders, making use of the tape recorder in place of written dictation. And, finally, the library also has assumed responsibility for the administration of the state-wide University of California Archives.

The central place where all these riches are assembled for use by scholars is the Edward Hellman Heller Reading Room, whose names honors a bibliophile, serious student of history, long-time member of The Friends of The Bancroft Library, and, for eighteen years, a regent of the University. The handsome new quarters, entirely financed by private donations, are open not only to the university community of undergraduates, graduates, and faculty, but also to scholars who come from all parts of the world to make use of the library's resources. In addition to the reading room, the Bancroft has for the first time a separate exhibition gallery in which are displayed choice items from the library's pictorial collections, and—in wall and floor cases—manuscripts, rare books, and artifacts, including Sir Francis Drake's Plate of Brass which is the first known English document to be written in California. The library also provides a well-equipped seminar room for classes and groups engaged in studies requiring original documents ranging from Elizabethan England to contemporary California politics and colonial Mexico to modern printing in the San Francisco Bay area. Adjoining the seminar room is a press room, containing the library's Albion press, type, and other equipment necessary not only to understand, but to practice hand printing.

The facilities, and the resources contained in the library's new quarters, are a far cry from the scant seventy-five volumes concerning California and the West that H. H. Bancroft, one



After one of the city's frequent fires almost burned the store housing Bancroft's growing collection, he had the sturdy building (right) on Valencia Street constructed in 1882. Metal shutters were among its fire safety features. Its stacks (above) and office (below) were adequate for his collection which had taken nearly twenty-five years to assemble. Again escaping destruction in the great quake and fire, Bancroft's library was moved to the East Bay's University of California campus in May, 1906. Today, scholars from around the world pursue their studies in the library's new main reading room (opposite).



of San Francisco's pioneer stationers and booksellers, assembled from his store's stock in 1859 to accommodate the editor of a projected guide-book to the Pacific states. Surprised by the number of books and pamphlets about this region in his own store, Bancroft began a new career: that of book collector. Supported by his prospering business, Bancroft had the time and the means to comb countless bookstores and auction galleries both in America and in Europe.

California, he had determined, was to be the center of his collecting, but when and where did California begin? The first European settlers had come from Mexico and were the product of more than two centuries of Spanish occupation and assimilation. In fact, the California of Bancroft's day was only a generation away from being an outpost of the Republic of Mexico. To understand this California, Bancroft reasoned, he must know something of that Mexican heritage. Similarly, he must learn about the earlier settlers, the Indians. Indeed, his sympathy for the Native Americans—a sympathy rooted in his New England background and, perhaps, his own early experience as a wagon driver in the Underground Railroad, smuggling escaped slaves across Ohio to freedom in Canada—became apparent in his later writings. His collecting efforts widened further. "From Oregon it was but a step to British Columbia and Alaska," he acknowledged, "and as I was obliged for California to go to Mexico and Spain, it finally became settled to my mind to make the western half of North America my field, including in it the whole of Mexico and Central America."

Bancroft was fortunate even beyond his hopes, and, as his collecting project took form, he began to realize the richness of documentary sources lying unused on every side. By a bit of intrigue and great diplomacy, he secured the help of General Mariano Guadalupe Vallejo, surely the greatest name in the last decades of Mexican California. Once interested, Vallejo donated to Bancroft not only his own collection of papers which included those of his relatives Jacob P. Leese and John B. R. Cooper, but, as well, the records of more than twenty years of



the Presidio of San Francisco. With Vallejo's endorsement, Bancroft had an entree to other, very much alive *Californios*, who possessed not only important documents that they were willing to donate, but, also, long memories and much to say about life in the halcyon past before the advent of the perfidious Yankee. Bancroft addressed them with tact, and his agents and interviewers who spoke fluent Spanish were patient and sympathetic listeners.

The collector himself traveled to the Pacific Northwest to gather source materials and to interview pioneers. Here, for example, he was given the private books and papers of Sir James Douglas, late governor of British Columbia. He met with leaders of the Mormon church; he traveled to Mexico City, where he spent two weeks interviewing Porfirio Díaz. He sponsored hundreds of interviews in California, including many with members of the two San Francisco Committees of Vigilance, and he recorded the memories of scores of his contemporaries: miners, merchants, manufacturers, farmers, ranchers. Bancroft, and his interviewees, were justifiably impressed with themselves, the dramatic scenes they had witnessed, and the bewildering changes that they had brought about.

The scope of Bancroft's growing collection created a number of problems, the chief of which in Bancroft's practical mind was what to do with it. He once estimated that four centuries and fluency in languages from Aztec and Spanish to Russian and Hawaiian would be needed for one man to read it all. At one time Bancroft considered sponsoring an encyclopedia of the Pacific states, with articles based largely on his own collection and written by various authorities. Scholars expressed enthusiasm but failed to write the articles. Finally, he resolved to produce himself a definitive, multi-volume history of the area that he would make his own, with the help of many assistants and a great amount of time. First there appeared five volumes entitled *The Native Races*, then volumes on Central America, Mexico, the North Mexican states, California, Oregon, the remainder of the American West, and, at last, British Columbia and Alaska.

By 1894 the project was completed, and in March of the following year there appeared in the *Overland Monthly* an article titled "A Mine of Musty Manuscript," written by J. T. Peatfield, one of Bancroft's assistants, describing the accomplishment of his employer. Understandably, Bancroft was praised, but the real adulation was directed to his magnificent collection which, in fact, was not musty, comprised far more than manuscript, and was, and is, an inexhaustible mine for historical research. In 1905 it was purchased by the regents of the University of California, and although still housed in San Francisco at the time of the earthquake and fire of 1906, by great good fortune it entirely escaped destruction, the only major library in the city to do so. In May, 1906, The Bancroft Library was moved into the attic of newly-completed California Hall on the Berkeley campus.

During the ensuing six and one-half decades, the library's resources have grown, partly by continuation of Bancroft's own collecting methods and, to a larger degree, by the expansion of new programs. When Bancroft was refused loan of the 300-volume Archives of Spanish and Mexican California then in the custody of the U. S. Surveyor General in San Francisco, he hired scribes to copy out relevant portions. Similarly, manuscript copying of materials almost inaccessibly deposited in the archives of Spain, Mexico and Great Britain was continued under the administration of Professor Herbert E. Bolton, the historian of California and the Southwest who served as the library's director from 1916 until 1940. With the development of photographic facilities in the 1930's, photostats began to replace typescripts in the Bancroft's files. In 1948, the recently appointed director, Professor George P. Hammond, instituted a program that continues to this day: the reduction to microfilm of great quantities of archival source material.

Realizing that additional funding would be necessary to assist the library's expansion, Professor Hammond and a group of his colleagues formed The Friends of The Bancroft Library in 1946. Its membership close to two thousand, the Friends provide both moral and financial support to the library's staff. An annual keepsake, generally a first publication of an item in the library's collections, handsomely printed by a leading printer, is given to the Friends, and they also receive issues of *Bancroftiana*, a lively, occasional, illustrated newsletter which includes items about accessions and activities.

Under the present director, Professor James D. Hart, the library remains committed to its traditions and, at the same time, is concerned with expanding its fields of collecting. The li-

brary's academic associations have been greatly strengthened in recent years by the appointment of faculty to the staff; these members include a distinguished bibliophile who served as a visiting regents' professor, two professors from the department of history who guide a new program in the history of science and technology, and a member of the school of librarianship who teaches the use of Bancroft's hand press. Now firmly established is the History of Science Collection, documenting the remarkable developments that have taken place in Berkeley and the San Francisco Bay area in the past few decades. Accordingly, the library has received the papers of Ernest Orlando Lawrence and other pioneers whose achievements in diverse scientific fields have brilliantly illuminated the Berkeley campus. Funds have been obtained to institute a five-year project that will include the gathering and processing of other notable collections still in private hands, particularly those of the inspired engineers who established the electronics industry on the San Francisco peninsula. An important aspect, too, is the oral history program which will augment these collections of personal papers.

Just as Hubert Howe Bancroft regarded his library as "not merely a depository of learning, but a society for the promotion of knowledge," so, too, does The Bancroft Library of today engage in an active publications program. Two volumes of a projected three-volume guide to the library's manuscripts collections have been published, and all of Mark Twain's correspondence and unpublished manuscript material, including not only notebooks but complete texts hitherto unavailable, are being edited for publication. Transcripts of interviews prepared by the Regional Oral History Office are available for sale to libraries throughout the country. Finally, a program involving a new format—ultrafiche—is now underway, with the publication of the diary-letters of Senator Hiram W. Johnson. A maximum of one thousand pages of text will appear on a single three-by-five-inch plastic card, to be read by means of an inexpensive projector light enough to hold on one's lap!

The riches of a library such as Bancroft depend not only on the written (and transcribed) word, but also on the pictorial representation of human history and social development. Hence, in the past several decades the library has assembled a truly outstanding pictorial collection. It includes more than one million photographs and ranges from the daguerreotypes of the 1850's to studies of the Yosemite Valley by Ansel Adams and news photos of events of the 1960's. The most spectacular recent addition in this field is the Robert B. Honeyman, Jr., Collection of Western American Art, purchased in 1966 by members of The Friends of The Bancroft Library and by the regents of the University of California for more than \$500,000. Even then, the price was substantially below current values, and the replacement cost today would be staggering. The chief asset of the Honeyman Collection, indeed of the entire pictorial collection, is not simply its artistic merit, but its value for scholarly documentation. Its core of drawings and paintings of the late eighteenth and nineteenth centuries provides views of a world long since disappeared.

The library brings its multitudinous resources together for one major purpose: to serve the needs of scholarship, not just today but in the future as well. It is the serious student, primarily, to whom the Bancroft is responsible. The recent establishment of fellowships—open to graduate students on all University of California campuses whose research focuses on source materials in the Bancroft—allows the library to give a helping hand to two of that number each year. The awards include a stipend to cover university fees and major living costs for a year of research. These scholars and countless others, young and old, continue to find rewards in what was once called a "Mine of Musty Manuscript," for, in actuality, the Bancroft is a lively source of widely diverse knowledge, valuable for understanding former times and, as well, our own.

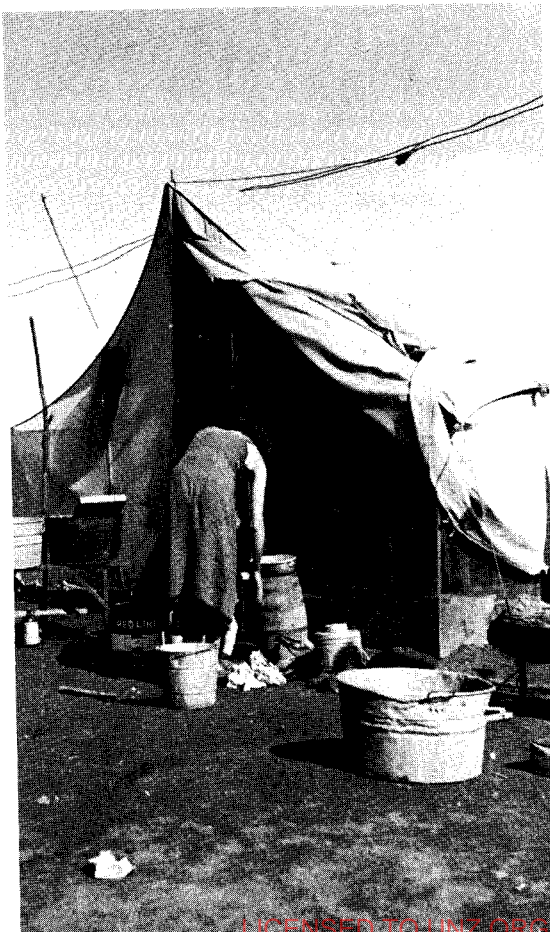
Book Reviews

California and the Dust Bowl Migration. By Walter J. Stein. (Westport, Conn.: Greenwood Press, 1973. xiv, 302 pp. \$12.00.)

Reviewed by CHARLES WOLLENBERG, reviews editor.

WHY THE CONTINUING FASCINATION with the odyssey of the Okies? The oppressive conditions they encountered in California fields had plagued people of Asian and Mexican descent for more than sixty years before the Depression. Moreover, the Okies constituted only a third of the total number of people who migrated to California during the thirties, and the population growth of that decade was well below that of the twenties or forties. Yet the dust bowl migration is etched on the American consciousness like no other event in California history except the gold rush.

Certainly, in part, this is due to the writings of reformers such as Carey McWilliams, the photographs of Dorothea Lange, and, above all, the printed and movie versions of John Steinbeck's *Grapes of Wrath*. But the works of McWilliams, Lange, and Steinbeck were as much symptoms as causes of the public concern over the plight of the Okies. More to the heart of the matter is Walter Stein's statement from *California and the Dust Bowl Migration*: "The Okies were not the cause, but the focus of a number of problems confronting the state. . . . They intruded upon an agricultural system that contradicted every myth in the Jeffersonian pantheon, and they served as unwitting publicists for those who found California's agriculture and its social effects unsound. They aggravated social and economic dislocations evoked by the depression and became pawns in deadly conflicts that arose from hard times."



Auto camp tent space, water, and electric light cost migrants \$1 a week in Tulare County in November, 1938.

OPPOSITE: Migrant families such as this one bound for Nipomo in February, 1936, sometimes traveled in small caravans, assisting each other in the journey made difficult by poor roads, unfriendly locals, and worn-out autos and pick-up trucks



The most significant part of the story, then, is not the Okies themselves, but California's reaction to them. Stein points out that hysteria against the migrants reached its peak after 1938, when ambitious and often naive schemes were hatched to deal with the Okies' problems. The reforms proposed by liberal Governor Culbert Olson, the policies of the federal Farm Security Administration, and the ambitious CIO campaign to organize agricultural workers presented profound challenges to the status quo in rural California, and the result was social polarization and conflict, with the migrants as the chief scape-goats. Ironically, according to Stein, in the end the Okies were too imbued with traditional American individualism to allow the reformers' and organizers' plans on their behalf to succeed.

With insight, Stein discusses the Okies' temporary status as a white, Anglo-Saxon, Protestant, minority group, and, clearly, for a few years Okies did play a social and economic role historically reserved for non-whites in California. The author also provides good discussions of the agricultural history of the Great Plains, the role of California cotton as a trail-blazer of migration, and the contradictions of New Deal agricultural policies. Stein is particularly perceptive in dealing with the relationship between the availability of Okie labor and California-grower attitudes toward Mexican immigration.

This book puts the Okie experience into historical perspective. The controversies of the thirties had their origins in the development of large-scale California agriculture in the 1870s, and these controversies remain unresolved today. In his own words, Stein "illuminates the ambivalence and conflicts in character of what has become the nation's largest and, in many ways, zaniest state."



At Brawley in early 1939 this migrant wife wanted to return home, but her husband explained with regret: "I've made my mistake and now we can't go back. I've got nothing to farm with."

Photos and caption information taken from Dorothea Lange and Paul S. Taylor, An American Exodus (New Haven, 1969). Photos are from the Farm Security Administration archive of the Library of Congress.

Sand In a Whirlwind: The Paiute Indian War of 1860. By Ferol Egan. (New York, Doubleday, 1972. 316 pp. Illustrations. \$8.95.)

The Paiutes of Pyramid Lake: A Narrative Concerning a Western Nevada Indian Tribe. By Ruth Hermann. (San Jose, Harlan-Young Press, 1972. 254 pp. Illustrations, maps. \$7.50.)

Carleton's Pah-Ute Campaign. By Dennis G. Casebier. (Norco, Ca., Dennis Casebier, 1972. 58 pp. Illustrations, two pocket maps. \$3.50.)

Reviewed by RICHARD H. DILLON, *author of* *Burnt-out Fires, a history of the Modoc Indian war, which is reviewed in this issue.*

ONLY LATELY HAS NEVADA BEGUN TO EMERGE from its long status as a cultural satellite of California. Just a few years ago, books about the state (barring those of Effie Mona Mack) were likely to be written by Californians—Oscar Lewis, Carl Glasscock, George Lyman, or Lucius Beebe. Now, in relative maturity and prosperity, the Sagebrush State not only has several good libraries, a growing statewide historical society, and two up-and-coming universities, but also a promising passel of native writers.

For all of this renaissance (or, rather, naissance) in letters, several of today's best writers about Nevada are Californians. *Vide* David Myrick and Ferol Egan.

Egan's excellent new book, *Sand In a Whirlwind*, documents a classic case of American bigotry, bungling, and brutality on the Western frontier. From it, one can draw inferences which illuminate the plight of the Sioux or the Modocs, or whatever tribe. But the book is much more than a record of past events; it is a dramatic and exciting story. It passes the test as literature. Small wonder it has just won for Egan a Commonwealth Club medal.

The author eases into his story, and into Nevada, from what we might call a California posture. He recreates the mysterious death of California pioneer, Peter Lassen, in Nevada's Black Rock Desert in 1859 and reminds us that the unsolved murder was blamed on the Paiutes. This was the case though Captain William Weatherlow blamed far-ranging Pit Rivers from California, and Indian Agent Fred Dodge hinted at murder by Lassen's white enemies. In any case, anti-Paiute hostility smoldered in such settlements as Susanville and Carson City.

When two miners en route to California were shortly found murdered, with arrows, the Paiutes were again suspected. But Chief Numaga boldly rode into Carson City and helped the whites get the Chief of the Washo tribe to surrender three suspects. (Numaga, alias Young Winnemucca, saw at a glance that the arrows were from Washo bows.) Numaga later doubted the wisdom of his helping the whites, when the supposed murderers bolted from a mob of gun-waving settlers and were shot down in their tracks by the *ley de fuga*. Sarah Winnemucca was sure that the three were innocent.

Early in 1860 another white settler was found murdered, and tension mounted again in the settlements. This time the killers were Paiutes, but of a renegade band under Smoke Creek Sam which had pulled away from the tribe of Old Winnemucca and Numaga. When the whites demanded that Numaga help them capture the guilty parties, he declined after a conference with the chiefs of other bands during which he did considerable soul-searching in a religious fast. Feeling that his own people would eventually be the targets of white vengeance, he allied himself with the more war-minded chiefs.

War was not long in coming. When the Paiutes found two of their young girls kidnapped, presumably raped, and imprisoned at Williams Station, they rescued the girls and killed the three whites there. Their act of vengeance became a "horrid massacre" in the press, and the local Cincinnatus, Major William Ormsby, organized a company of volunteers to teach the Paiutes a bitter lesson.

Four detachments marched from Carson, Genoa, Silver City, and Virginia City in what was half-lark, half-crusade. Ormsby's conquering army closed with Numaga's warriors near modern Nixon, where the Truckee flows into Pyramid Lake. The amateur soldiers were cut to pieces, like the troopers in the Lava Beds and at Little Big Horn a few years later. Ormsby

was killed, along with seventy of his militiamen. The rest, wounded or shocked or panic-stricken, scattered like rabbits and ran for home.

Northern California responded not only with troops from the San Francisco Presidio but by mustering militia companies like the Sierra Guards and rushing them to Nevada. Ex-Texas Ranger and ex-San Francisco Sheriff John Coffee Hays accepted the command of this "Washoe Regiment" of almost 600 men and combined it with the U.S. Army regulars of the Carson Valley Expedition. Jack Hays was no Ormsby; he was a real fighter. He got on Numaga's trail and forced a fight at Big Meadows. It was an indecisive skirmish, but Hays clung to Numaga's force like a tick and engaged the Indians again in the Battle of Pinnacle Mountain. It was a defeat for the Paiutes, but not a definitive one. They simply slipped away into hiding in the Black Rock Desert.

The embers of revenge finally cooled and the volunteer army broke up, while the regulars built Fort Churchill on the Carson River to keep the peace. Colonel Frederick Lander persuaded Numaga to abandon warfare, and an honest Indian agent, Warren Wasson, protected the Paiutes from Yankee aggression.

But the Paiutes were doomed. Wasson left the area and squatters quickly moved onto Indian land. Numaga died of tuberculosis in 1872 and many of the Paiutes, fearful of vengeance, drifted away to join their Snake kin in Oregon or the Bannocks in Idaho. (Their fears were justified; in 1865 a glory-seeking lieutenant had massacred a village of women, children and oldsters while the men were away hunting.) A handful remained in their homeland, trying vainly to protect Pyramid Lake from the rapacity of white "civilizers." They are still trying.

Ferol Egan has given us a case study in frontier aggression against an Indian tribe. But this is no socio-historical treatise. He writes well, like a novelist. He obviously polishes his prose just as he does his research "homework." It is easy to see that his mentors have been writers like A. B. Guthrie and George R. Stewart. And, finally, he is skillful in getting inside the heads and hearts of his protagonists, to see what makes them tick and to make them come alive on the printed page.

Ruth Hermann's book is not as well-written as Egan's by a long shot, but it is a useful addition to our library shelves, and it complements *Sand In a Whirlwind* by furnishing background to that dramatic story and by bringing the story up to date. She is able to do the latter thanks to her friendship with Chief Harry Winnemucca of the Paiutes. Her book is not only rich in historical data but also in information on Paiute culture.

Dennis Casebier's study is poles apart from Ms. Hermann's. Where her work is a broad narrative, his is a very narrow study. It is more of a pamphlet than a book, and he is more compiler than author. Casebier has ransacked the record-groups of the National Archives and the columns of old newspapers to put together the documentation on Major James H. Carleton's punitive expedition against the Paiutes of California's Mojave Desert in 1860. This is the minutiae of history which, when put through the mental mills of writers like Egan, and blended with interpretation and insight, results in award-winning books like *Sand In a Whirlwind*. It is excellent "detective work," both in archival searching and in field work around Bitter Springs and Camp Cady in the bleak Mojave River country.

Burnt-out Fires: California's Modoc Indian War. By Richard Dillon. (Englewood Cliffs, N.J.: Prentice-Hall, 1973. 371 pp. Illustrations, maps, bibliography, index. \$8.95.)

Reviewed by FEROL EGAN, whose latest book (1972), Sand In a Whirlwind: The Paiute Indian War of 1860, was awarded a Commonwealth Silver Medal for non-fiction.

Burnt-out Fires IS YET ANOTHER CHAPTER in the sordid history of the conquest of the American Indians. In this study of the Modoc War, Richard Dillon has unearthed all the facts and myths of the conflict and put together a tragic picture of a war that should not have taken place.

Suffering from betrayal by the United States government which refused to live up to its earlier treaty with them, the Modocs under the leadership of Captain Jack and Scarface

Charley refused to be re-located. The result of their logical refusal was one of the most incredible battles between whites and Indians. For the force sent against Captain Jack and his band of fifty-three warriors and their families consisted of between 500 and 1000 men. This army included regulars, volunteers, and Indian scouts. Furthermore, it was a military unit that did not suffer from a lack of food, ammunition, rifles, and howitzers. Nevertheless, for six months in 1872-73, the Modocs more than held their own against this governmental overkill.

Dillon has tried to be objective and to show that the whites were not all bad in this sorry affair. But his efforts were doomed from the beginning. No matter how good *some* whites were, there is no escaping one damning fact: the Modocs were fighting to defend their homeland against white intruders who considered the Indians to be less worthy than themselves.

The only stain on the Modocs in this chapter in California's history is that they murdered General Canby and Reverend Thomas who had arranged a meeting with them to see if bloodshed could be avoided. But this betrayal of innocent and well-intentioned peacemakers was not the fault of Captain Jack. It was one of those tragic blunders committed by hot-headed warriors who had endured more than enough from the white invaders of their land. But the murders at the peace tent sealed the fate of the Modocs, and the battle took place.

Unlike other battles between whites and Indians, this was not a Hollywood production featuring Plains Indians riding wildly in a last charge for glory as the cameras rolled out the American myth that exists to this day. To the contrary, the tactics used by the Modocs were more like those utilized in the trench warfare of World War I. The warriors used their knowledge of the lava beds to a great advantage, and, in the end, they made the army pay dearly for its victory. For while the Modocs lost only six men in direct combat, the army submitted a tally of sixty-four dead and sixty-eight wounded—a very high price for a stretch of boulders and poor pasture and, at that, a tally that Dillon considers to be a low body count.

The heroes and even the villains who stand out in this history are all Modoc. Though Dillon tries to make his case for the *good* whites, and good they were, the drama and the glory belong to the Modocs. And it is fine that they at least achieved this out of their sacrifice, for they didn't get anything else. When the battle ended, Captain Jack and three others were sentenced to be hanged. Then, to compound this questionable verdict, the heads of the dead Indians were cut off, pickled, and sent to the Army Medical Museum, while the warriors who had betrayed them and aided the whites were spared. Yet, even these traitors found that there was to be no end to the punishment of the Modocs; they were removed from the Land of Burnt-out Fires and transplanted to live out the rest of their lives on a reservation that the government had rented from the eastern Shawnees.

Altogether, *Burnt-out Fires* is a comprehensive study of what took place in the name of Manifest Destiny. But the one thing that is missing is a final summary of outrage at what happened in the name of sheer racial bigotry. Beyond that, this is a solid history that belongs on any concerned reader's bookshelf. Still, this reviewer wishes that the author had allowed himself a touch of gut-level anger and disgust at a very shoddy moment in California's history.

Ambrose Bierce. By Mary E. Grenander. (New York: Twayne Publishers, 1971. 193 pp. Index. \$4.95.)

Reviewed by CHARLES McCABE, columnist and raconteur on the staff of the *San Francisco Chronicle*.

THERE IS SOMETHING ABOUT THE ACID SENSIBILITY of Ambrose Bierce that is most engaging to the present-day young. *The Devil's Dictionary* and *In the Midst of Life* are quoted with approval in New York's East Village, San Francisco's North Beach, and campuses from MIT to Berkeley. Mary Elizabeth Grenander, who has spent a good deal of her life in the study of the California newspaperman, short story writer, aphorist, and Civil War hero, takes the view that "Bierce's significance, not only to American letters but in world literature, is on the verge of a major reevaluation." The author duly notes that Bierce's "underground reputation has steadily grown with the years."

There is reason to believe the position is well-taken. One of the reasons for the neglect of

Bierce is that his reputation was too firmly based in San Francisco, which was another way of saying death in the late nineteenth century. Bret Harte and Mark Twain got to New York and London, where literary reputations were solidified. Bierce never bothered. His days in Washington and the East were those of an agent for W. R. Hearst in fighting the Southern Pacific.

In *Write It Right*, Bierce said "good writing . . . essentially, is clear thinking made visible." More than half of Miss Grenander's book (she is a professor of English at the State University of New York at Albany) is devoted to "a more accurate appraisal of Bierce's writing." She divides his writings, in the unfortunate cant of English departments everywhere, into: Didactic Tales, Mimetic Tales of Passion, Mimetic Tales of Moral Choice, Mimetic Tales of Action, and Dazzling Brilliants: The Short Forms. What she says about the writing, though, is sensible and to the point.

The newspaper column started in San Francisco. The first of its kind, as we generally know the form, appeared here in 1874 in *The Argonaut*. It was a compost of gossip, apothegmatic utterance, political comment, short stories, and general vituperation. It was signed "The Prattler." Everybody in town knew who "The Prattler" was. He was a cynic named Ambrose Gwinnett Bierce. Few called him Ambrose. His well-deserved name was Bitter Bierce.

Bierce was born into a poor, highly religious Ohio family, had little education, served bravely in the Civil War, and came to San Francisco. Here his writings in *The Overland Monthly* and his friendship with Mark Twain, Bret Harte, and Joaquin Miller made him a kind of Doctor Johnson of the West Coast. He could make or break authors and books with his gibes, and did.

Bierce's influence reached its height when young Willie Hearst in 1887 took over the dying *Examiner* from his father. One of Hearst's first acts in reviving the paper was to hire "The Prattler." From this growing and highly effective podium, Bierce peppered the sons and grandsons of the Forty-niners, and more recent arrivals, with his particular dour wisdom.

The thing that spread wide Bierce's reputation, and has kept it alive in a small way ever since, was the characteristic way he left the San Francisco scene. In 1914 he went to Mexico, where he was presumably fighting with the rebel army of Pancho Villa. One day in that year, he simply faded away. He was never heard from again. A letter to his daughter mailed from the border state of Chihuahua, ended:

Goodbye. If you ever hear of my being stood up against a Mexican stone wall and shot to rags, please know that I think that a pretty good way to depart this life.

The Letters of Alfred Robinson to the de la Guerra Family of Santa Barbara, 1834-1873. Translated and annotated by Maynard Geiger, O.F.M. (Los Angeles: Zamorano Club, 1972. 67 pp. Illustrations. \$10.00.)

Reviewed by JOHN BERNARD MCGLOIN, S.J., professor of history at the University of San Francisco.

THIS SLIM VOLUME of about seventy pages represents a rewarding addition to the already well-known phase of Californiana represented by the names, respectively, of Alfred Robinson and various members of the de la Guerra family. Meticulously translated and annotated in the usual thorough manner which all have come to expect of the Franciscan scholar, Father Maynard Geiger of Santa Barbara, the letters here presented give the reader another side of Alfred Robinson. Famous for his *Life in California* which was first published in New York in 1846, this "Anglo-American merchant" (his own description) was Boston-born but made his way to California as early as 1829. It was not long before he became acquainted with members of the well-known, respected, and influential de la Guerra family of Santa Barbara and, in 1834, he asked the paterfamilias, Don José Antonio de la Guerra y Noriega, for the hand of his beautiful daughter Anita. Robinson was successful in his petition and thus came about the marriage that spanned the American continent from Boston to Santa Barbara.

Robinson's *Life in California* is replete with details of California missions, merchants, Indians, and customs of the country, which is why it has always been highly regarded by its

readers. His letters on commercial matters have been edited by Adele Ogden as "Business Letters of Alfred Robinson" in the *California Historical Quarterly* (23:301-34). When one now adds the personalia present in these other letters, one must agree with their editor that "one should be able to obtain a well-rounded view of Robinson's total personality, interests, objectives and his life's contributions." That is precisely why the editing of these same letters was such a meritorious idea.

Despite the fact that Robinson was not satisfied with the education received by his son and nephews at an eastern Jesuit school, probably St. Joseph's College in Philadelphia ("I took the poor youngsters from a school where they taught deception and lies. Never again will I permit a son of mine to be under the care of a Jesuit"), Alfred Robinson appears, here as elsewhere, as a solid citizen! Congratulations to the Zamorano Club, as well as to Father Geiger, for giving us this interesting volume.

A Description of The Kingdom of New Spain By Sr. Dn. Pedro Alonso O'Crouley: 1774. Translated and edited by Seán Galvin. (San Francisco: John Howell—Books, 1972. xix, 148 pp. Index. Illustrations. Folding pocket map. \$10.00.)

Reviewed by W. MICHAEL MATHES, associate professor of history at the University of San Francisco.

FOR SEVERAL YEARS the combination of Warren Howell, Lawton Kennedy, and John Galvin has resulted in the publication of important and beautiful books. With the addition of Mr. Galvin's son, Seán, to this group, yet another valuable and interesting publication has been contributed to the field of Mexican and California history.

Although known to many researchers in Madrid's Biblioteca Nacional as MS 4532 (Paz, 521), the "Idea Compendiosa del Reyno de Nueva España of Pedro Alonso O'Crouley" has remained unpublished until now. O'Crouley, the Cádiz-born son of an Irish refugee from British anti-Catholicism, was a typical product of the Age of Enlightenment. Interested in virtually all aspects of culture, he was well known as an antiquarian and collector, as well as an active member of contemporary academic societies. During his sojourn in New Spain from 1765 to 1773, the dynamic era of reforms set forth by José de Gálvez, O'Crouley consulted the histories of the viceroyalty and, together with his personal observations, prepared a 175-page manuscript with thirty-one illustrations and maps (of these only twenty-eight are extant) relative to the history, geography, ethnology, flora, and fauna of New Spain.

Chapters on antiquities, the conquest, population, race mixture (*castas*), flora, and fauna precede descriptions of the diocesan areas of Mexico, Puebla, Valladolid (Morelia), Oaxaca, Guadalajara, and Durango, and the commercial cities of Acapulco, Veracruz, and Jalapa. Writing in an era of expansion of the frontiers of New Spain, O'Crouley gives particular detail to his descriptions of the presidios of Los Adaes and El Paso del Norte, as well as to the missions and settlements of Nayarit, Sonora, Sinaloa, Pimería Alta, and New Mexico.

The chapters dealing with California reflect O'Crouley's secondhand information about the area, for, curiously, despite the expansion to Alta California during the period in which he wrote, no mention is made of San Blas, the Sacred Expedition, or the Serra missions. Rather, the material presented on California relates to the Baja Peninsula. It consists of a condensation of the diary of Father Fernando Consag, S.J., on his voyage in the Gulf of California in 1746 and an extensive description of Jesuit mission areas, extrapolated in the main from Venegas, which contains several gross errors, such as the statement that Jesuit evangelization was begun by Father Jacinto Cortes in 1642 at San José during the apocryphal voyage of Luis Cestinde Cañas to the area.

The final chapters of the *Description* deal with the miraculous apparition of Our Lady of Guadalupe, curiosities and unusual phenomena, the condition of Indians, population and location charts of principal cities and towns, short sketches of each of the viceroys and archbishops of New Spain, and a list of Indian groups by diocese. Of particular interest and beauty are O'Crouley's illustrations, many in full color, depicting Indian costume, animals and plants, antiquities, town plans, and racial castes

The editor has provided an introduction to the work, a portrait of O'Crouley, a modern map of Mexico, a glossary of terms, a genealogy of the author, a general brief bibliography, an analytical index, and a separate color reproduction of the Alzate y Ramirex map of 1768. The translation is very clear and readable, but the general reader might wish for more extensive annotation. The book is beautifully designed, printed, and illustrated, and, thanks to Mr. Galvin, it is offered at a price which places it well within reach of even the most impoverished bookman. This volume should be in the library of all collectors of Mexicana, Californiana, and fine books.

Lost America: From the Mississippi to the Pacific. Edited by Constance M. Greiff, with a foreword by James Biddle. (Princeton: Pyne Press, 1972. 243 pp. Index. Illustrations. \$17.95.)

Reviewed by JOSEPH A. BAIRD, JR., *author of several books on architecture including* Time's Wondrous Changes.

DESTROYED AMERICAN ARCHITECTURE west of the Mississippi is the subject of this second of a two-volume study; the first volume covered once-extant buildings in the region from the Atlantic to the Mississippi. James Biddle, president of the National Trust for Historic Preservations—one of the leading organizations dedicated to alerting an informed public of imminent danger of loss and to preserving the best of America's architectural heritage—has provided a short foreword. It delineates several of the problems associated with preservation of building in the western United States, with an especially pertinent note that the majority of such building is from the mid-nineteenth century and later, in contrast to the wider historic spectrum of the eastern seaboard.

The book itself is a handsome pictorial survey of destruction, casual and wanton. It is divided into chapters according to building use; unfortunately, the dated journalistic and alliterative "catchiness" of the chapter headings—"Hearth and Homestead," "Mills, Mines and Merchants," "Drama and Diversion"—gives a false air of cuteness to the whole plan. The choice of illustrations is excellent, the reproduction quality only average, but, in fairness, some of the material is from photographs of less than perfect technical character. (Dramatic photographs of the destruction by explosives of the central section of Atlantic City's Hotel Traymore are geographically inappropriate but dramatically telling.)

While *Lost America* reads easily, being essentially a carefully compiled mosaic of pictures with captions, it is difficult to determine its intended audience. It is not quite the cocktail-table conversation piece of week-end preservationists, but neither is it a model of historical accuracy or architectural clarity. The principal failing of all such works is that the persons who write them (or "edit" them, in this case, which is essentially the same thing) are not trained professionals. Mrs. Greiff needs more basic courses in the history of architecture to help obviate technical descriptions that are at best misleading, or at worst false. For instance, a standard later-eighteenth and nineteenth century door with side-lights and glazed transom is referred to as a "three-part Venetian door," although it has no connection to the so-called Venetian or Palladian motif; in the same paragraph she calls attention to a "lunette" in the gable, when it is a circular window, not one of half-moon shape. Fastidious students will shudder at the casual assortment of terms on certain pages, and surely the phrase "free-wheeling" is intended rather than "free-willing" in one caption. To call the Beauvais House "late Greek Revival" is stretching that stylistic term considerably. From the historic viewpoint, the photograph of the old Barbary Coast in San Francisco is post- rather than pre-earthquake and 1906 fire; drawings at the California Historical Society conclusively disprove the assertion that James C. Flood's house, Linden Towers, was produced "serially."

One of my personal objections to this book is that it fails to acknowledge the unappetizing gaucherie of certain nineteenth-century American architectural concoctions—witness several illustrations of buildings which may be called "large," but certainly not "well designed." While all devotees of the Victorian admit its fervor and energy, truth about design must be

acknowledged; some of these buildings deserved destruction. It is hard enough to save the best work of America's past, without falsely equating old with good.

In all, Mrs. Greiff's book is a pleasant introduction to a complex subject suited for a relatively limited audience of amateurs. It would have been immeasurably improved, and could so be improved in a later edition, by more exact "editing" and rechecking of facts. (Idwal Jones would certainly be surprised to hear his *Ark of Empire* described as a "novel.")

Temalpakh: Cahuilla Indian Knowledge and Usage of Plants. By Lowell John Bean and Katherine Siva Saubel. (Banning, California: Malki Museum Press, 1972. x, 225 pp. Illustrations.)

Reviewed by THOMAS R. HESTER, assistant professor of anthropology, University of Texas, San Antonio.

IN AN EARLIER ISSUE of this journal (Fall, 1972), I reviewed Lowell Bean's *Mukat's People* (Berkeley: University of California Press, 1972), an excellent anthropological study of the Cahuilla Indians of Southern California. Bean has now produced another valuable contribution to our knowledge of Cahuilla culture, published in an attractive volume by Malki Museum Press, Morongo Indian Reservation, Banning, California. In this latest effort, Bean has been assisted by Katherine Siva Saubel, a member of the tribal council of Los Coyotes Reservation and a widely-known authority on the Cahuilla. The book is entitled *Temalpakh* ("from the earth") and represents the culmination of ten years of ethnobotanical research among the Cahuilla peoples. It is, in some respects, a sequel to a classic study of Cahuilla ethnobotany authored by David Prescott Barrows in 1900. In Barrows' monograph, *The Ethno-botany of the Coahuilla Indians of Southern California* (Chicago: University of Chicago Press, 1900), data regarding about 100 plants and their uses are presented; in *Temalpakh*, Bean and Saubel more than double the number of documented plant species.

The new study is prefaced by a succinct statement of the natural environment of the Cahuilla territory, and also included are brief reviews of Cahuilla ecology and subsistence patterns, subjects treated in more detail in *Mukat's People*. The bulk of the book, 127 pages of text, consists of an annotated list of plants used by the Cahuilla. Plant species, the common and Cahuilla names, and data on plant distribution and seasonal availability are provided; the importance of the plant in Cahuilla subsistence, medical practices, ritual, manufacturing (such as basket-making), and other activities is also discussed. Minor plants are treated in short paragraphs, while plants of more significance to the Cahuilla are covered in much greater detail, often amounting to several pages. The latter species include *Agave*, mesquite, oak, fan palm, yucca, *Arctostaphylos adams* (better known as manzanita), pine, and *Datura* (jimsonweed, a widely-used hallucinogenic plant). The technical descriptions are supplemented by thirty-one pages of excellent photographic illustrations, which not only provide useful ethnobotanical information, but data on Cahuilla material culture as well. One topic of interest is the process of preparing the heart of the *Agave* for food: the techniques of removing the heart from the plant and baking it in a roasting pit are described in the text and illustrated in a series of photographs. The prepared stone-lined pits should be recognizable in the archaeological record if they have any antiquity in the area (cf. J. W. Greer, "Midden Circles Versus Mescal Pits," in *American Antiquity*, Vol. 32, pp. 108-109, [1967]).

At the conclusion of the book, a brief section deals with unidentified plants, primarily plants within the known Cahuilla taxonomy, but which could not be specifically linked to botanical specimens in the field. Finally, a paper dealing with aboriginal agriculture among the Cahuilla (co-authored by H. Lawton and Bean) is reprinted from *The Indian Historian*, Vol. 1, no. 5 (1968).

Temalpakh will be of interest to students in widely ranging scientific disciplines—anthropology, ecology, ethnobotany, to name a few—focusing on California and the American Southwest. Anthropologically-oriented archaeologists should find the wealth of data compiled here a very useful resource for planning research in the Cahuilla and Southern California area

To Kill a Child's Spirit: The Tragedy of School Segregation in Los Angeles. By John Caughey. Foreword by Ramsey Clark. (Itasca, Illinois: F. E. Peacock Publishers, 1973. xvii, 255 pp. Illustrations. \$4.95.)

Reviewed by LILLIAN B. RUBIN, professor of sociology at The Wright Institute, Berkeley.

To Kill a Child's Spirit reads like a documentary—a rich, blow-by-blow account of the sell-out of the American promise of equality. With a historian's meticulous care, John Caughey traces the events of the last decade in the struggle to desegregate the schools of Los Angeles, starting in 1962 when spokespersons for several community organizations confronted the Los Angeles Board of Education with the fact that they were operating a system of segregated schools, and ending in 1972 with no change in that central fact of school life in the nation's third largest city. The author skillfully guides the reader through the maze of allegations and denials leading up to a dramatic seventy-day trial in which the school authorities refused even to stipulate to the fundamental principle enunciated by the United States Supreme Court in 1954, that "separate educational facilities are inherently unequal." He presents the court's decision in favor of the plaintiffs and exposes the school board's near-hysterical decision to appeal the court order even before they saw its final formulation.

As the school board and administration's tortuous misrepresentations and evasions are laid bare, any open-minded reader must be drawn ineluctably to agree with Caughey's charge that:

In our schools, where segregation matches and then exceeds residential segregation, the buck must stop on the great curved desk of the board of education and the superintendent. They are the segregators.

Perhaps it is just a sociologist's wish that Caughey had not been content with laying blame, but had analyzed who those "segregators" are and what interests they represent. As the book is written, a reader unfamiliar with school board politics in Los Angeles might assume that these men and women are conservative white backslashers. The reality that Caughey does not address is that eight of the thirteen people who have served on the board since 1962 have moderate-to-liberal credentials and at least six of them—Hardy, Richardson, Tinglof, Jones, Nava, Docter—were actively supported by the city's liberal community which has a long record of speaking for integration. Thus, from 1962 onward, when three liberals and two moderates were elected to a board of seven, the four votes needed to order the integration of the Los Angeles schools either have been in hand or within grasp. As late as 1967, there were four liberal votes on the board—Hardy, Richardson, Jones, and Nava—and still there was no action on desegregating the schools.

We are left with the observation that when we look at the record of school desegregation, the "good guys," with all their integrationist rhetoric, are indistinguishable from the "bad guys," with all their racist epithets. We are also left to wonder why. I suspect that the findings from my study of a similar struggle in Richmond, California (See *Busing & Backlash*, University of California Press, 1972) apply to Los Angeles as well—that is, the liberal board members and the constituency they represent are deeply ambivalent about integrating the schools. Philosophically they understand that equality of opportunity is not possible if black children attend segregated schools. So, generally, they can be counted on to *say* the right thing. But at the same time, they share the widespread fear that integrated classrooms will dilute the quality of their children's education. So, generally, they cannot be counted on to *do* the right thing. For when confronted with the possibility that they might have to give up or share some of their privilege, these liberals dig in their heels and resist just as tenaciously as the most ardent racist backslasher.

Despite the fact that he does not take the analysis as far as I would wish, John Caughey has written a valuable, carefully documented history of a decade of struggle around segregated schooling in Los Angeles. In doing so, he has also provided us with a damning portrait of

white resistance to integration—a resistance, I would add, that is felt as keenly by the liberals as by the conservatives, if we judge by the dismal record. Little wonder that America's minorities are so deeply disillusioned with liberal promises.

Unwritten History: Life Among the Modocs. By Joaquin Miller. Introduction by A. H. Rosenus. (Eugene, Ore.: Orion Press, 1972. 400 pp. \$2.95.)

Review by RICHARD N. ELLIS, associate professor of history at the University of New Mexico, Albuquerque.

JOAQUIN MILLER IS WELL KNOWN TO CALIFORNIANS and to aficionados of early forms of literature in the West, but although he was one of the more celebrated American writers of the late-nineteenth century, he is less well known to present students of American literature. Despite his productivity he is a minor figure in the development of American literature, and his style has little appeal to modern readers.

Unwritten History was first published in 1873 under a different title and appeared again in the following year under the present title. It appeared several other times in subsequent years and was reprinted most recently in 1968. It is now available in a paperback edition with an introduction by A. H. Rosemus. Although by implication it is autobiographical, the book can only be considered fiction. The story is that of a young boy in the gold camps of Northern California who lives with an heroic figure called the Prince, a man who resembles William Walker, the filibusterer. After many adventurous experiences the boy befriended the Indians of the Mount Shasta region and lived with them. As a defender of the Indians, he sought to protect them from white encroachment and proposed the creation of an Indian republic in that area. He also encouraged Indian resistance and occasionally led Indian warriors and purchased arms and ammunition for their defense.

Joaquin Miller had a well developed imagination and had the ability to convert tales into facts, at least in his own mind. He claimed many things in his books that have since been proven untrue, and *Unwritten History* is no exception. Moreover, Miller selected the subtitle, *Life Among the Modocs*, because of the recent Modoc War and not because he was writing about that tribe. Unfortunately, the introduction does not effectively deal with the subject of the book's reliability. Therefore, those interested in Miller and his work should look at Martin S. Peterson, *Joaquin Miller: Literary Frontiersman* and M. M. Marberry, *Splendid Poseur: Joaquin Miller—American Poet* as well as Miller's diary for the period of the 1850's which was edited by John S. Richards as *Joaquin Miller: His California Diary*. . . .

California Check List

PETER EVANS, *CHS librarian*

THE PURPOSE OF THIS LIST is to provide our readers with an on-going bibliography of recently published or soon-to-be published Californiana. Major publishing firms' nationally-distributed products, small local history groups' limited editions, and individuals' efforts all are welcome. We ask only that the books or booklets concern the California scene and be recent publications (1972 or later, although some reprints will be accepted as space permits and significance demands).

We particularly desire to list publications which would not be well advertised elsewhere, works more likely to be publicized by word-of-mouth than by an organized publicity campaign. Hence, we are dependent to a considerable degree on the response of our readers. If you know of a recent unlisted publication on California, please notify the compiler of this check list. Be sure to include the following basic bibliographic data: author, title, location and name of publisher, date of publication, number of pages, and price. If the item is a limited edition published by an individual or small group, be sure to give the address where the book can be purchased and any special ordering instructions. Send this information to Peter A. Evans, Librarian, California Historical Society, 2090 Jackson St., San Francisco, CA 94109. This listing in the *Quarterly* is, of course, free.

- Abbott, Allan L. *Gem Trails in California*. Anaheim: Abbott & Abbott. 1972.
- Baird, Joseph A., Jr. *The West Remembered: Artists and Images 1837-1973*. San Francisco: California Historical Society. 1973. (\$3.00)
- Barbour, Michael G., et al. *Coastal Ecology: Bodega Head*. Berkeley: University of California Press. November, 1973. (\$12.95)
- Bear, Dorothy, and Beth Stebbins. *Mendocino Book One*. Mendocino: Mendocino Historical Research Center. 1973.—Box 922, Mendocino, CA 95460 (\$6.50 incl. tax and postage)
- Beck, David. *Ski Tours In California*. Berkeley: Wilderness Press. 1972. (\$4.95)
- Berkeley High School Asian Writers Project. *Sojourner III*. Berkeley: Berkeley High School Asian Student Union. (n.d.)—2246 Milvia St., Berkeley, CA 94704 (\$4.38)
- California—Myth and Reality*. (Stanford University Symposium) Los Angeles: Ward Ritchie Press. 1973. (\$5.95)
- Castro, Kenneth M., and Doris Castro. *Murphys, California: Short History and Guide*. Murphys: (n.p.). 1972.—Kenneth M. Castro, Murphys, CA 95247 (\$2.85)
- Clark, Keith, and Donna Clark, intro. *Daring Donald McKay or The Last War Trail of The Modocs*. Reprint. Portland: Oregon Historical Society. (n.d.)—1230 S.W. Park Ave., Portland, Oregon 97205 (\$2.95)
- Coady, Margaret A. *Marin People II*. San Rafael: Marin County Historical Society. 1972.—Mrs. Elsie Mazzini, 62 Hillcrest Dr., San Rafael, CA 94901 (\$10.75)
- Davie, Michael. *California, The Vanishing Dream*. New York: Dodd, Mead. 1972. (\$7.95)
- Duncan, Janice K. *Minority Without A Champion: Kanakas on The Pacific Coast, 1788-1850*. Portland: Oregon Historical Society. (n.d.)—1230 S.W. Park Ave., Portland, Oregon 97205 (\$1.25)
- Dutton, Davis. *Where to Take Your Children in Northern California*. Los Angeles: Ward Ritchie Press. 1972.
- Etulain, Richard W. *Western American Literature: A Bibliography of Interpretive Books and Articles*. Vermillion: Univ. of South Dakota Press. 1972. (\$4.00)
- Feldman, Eddy S. *The Art of Street Lighting in Los Angeles*. Los Angeles: Dawson's Book Shop. 1972. (\$9.00)
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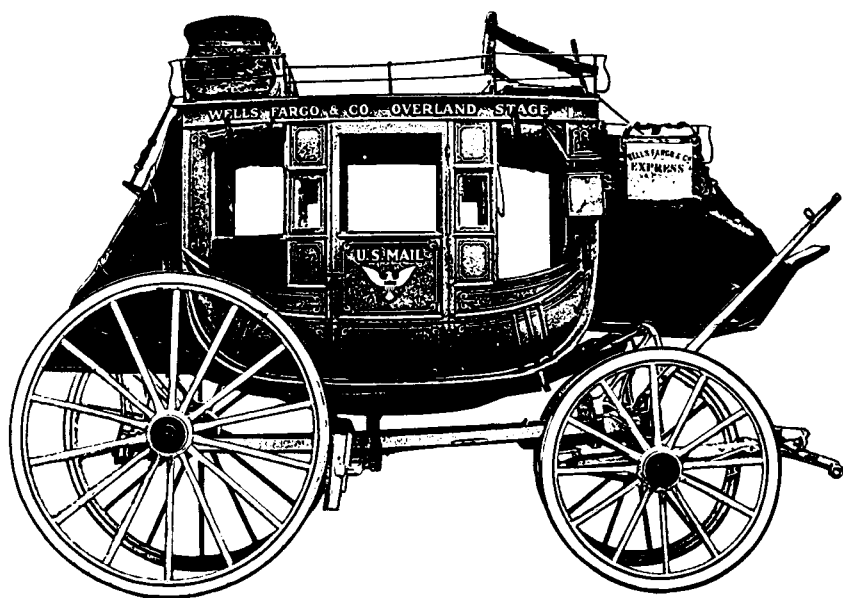
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